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2		2	Examination by:	Page
3	IN THE UNITED STATES DISTRICT COURT	3	Attorney Kennedy	7
4	FOR THE WESTERN DISTRICT OF WISCONSIN	4	Attorney Murphy	--
5	*****	5	Exhibit	Identified
6	ONE WISCONSIN INSTITUTE, INC., et al.,	6	81	Summary of 2011-2012 election related legislative changes 8
7	Plaintiffs,	7	82	Memo to GAB and others from K. Kennedy dated 4-14-14 11
8	-vs-	8	83	Memo to Members of Senate and Assembly committees from K. Kennedy dated 2-10-14 12
9	Case No. 15-CV-324	9	84	State Elections Board meeting info from 2-1-79 23
10	GERALD C. NICHOL, et al.,	10	85	Emails among M. Haas, K. Michaels and others dated in July 2014 27
11	Defendants.	11	86	Email to Interested Parties from N. Robinson dated 5-23-12 32
12	*****	12	87	Memo to Interested Parties from N. Robinson dated 7-26-12 33
13		13	88	Email from B. Luchterhand to GAB help desk dated 11-6-12 35
14		14	89	Emails among R. Hein, R. Magney and others dated 8-7-12 39
15	VIDEOTAPED 30 (b) (6) DEPOSITION OF GAB	15	90	Letter to Ross from K. Kratsch dated 8-6-12 40
16	DESIGNEE KEVIN J. KENNEDY	16	91	Emails among K. Kratsch, S. Ertmer and others dated 8-6-12 39
17	Thursday, January 28, 2016	17	92	Emails between L. Walsh and K. Backman dated 5-22-14 41
18	9:18 a.m.	18		
19		19		
20	Reported by: Lisa A. Creeron, RPR	20		
21		21		
22		22		
23		23		
24		24		
25		25		
	1			3
1	VIDEOTAPED 30 (b) (6) DEPOSITION OF GAB DESIGNEE	1	I N D E X (Continued)	
2	KEVIN J. KENNEDY, a witness in the above-entitled action,	2	Exhibit	Identified
3	taken at the instance of the plaintiffs, under the	3	93	Emails between D. Buerger and R. Houseman dated 3-6 and 3-7-12 45
4	provisions of the Federal Rules of Civil Procedure, taken	4	94	Email from S. Kohlhausen to the Clerk List dated 10-21-14 48
5	pursuant to notice, before LISA A. CREERON, a Registered	5	95	Email from GAB help desk to R. Rydecki dated 10-6-14 49
6	Professional Reporter and Notary Public in and for the	6	96	Emails among N. Albrecht, B. Bell and others dated between 3-7 and 3-10-14 52
7	State of Wisconsin, at the Wisconsin Department of	7	97	Letter from Governor Walker to the Senate dated 3-27-14 54
8	Justice, 17 West Main Street, in the City of Madison,	8	98	Emails among M. Haas, P. Pratt and others dated 8-7-14 56
9	County of Dane, and State of Wisconsin, on the 28th day of	9	99	Emails among R. Magney, S. Falk and others dated 10-30-12 58
10	January, 2016, commencing at 9:18 a.m.	10	100	Romney volunteer observer training information 59
11		11	101	Emails among N. Judnic, J. Schmieder and others dated 3-24 and 3-26-14 62
12	A P P E A R A N C E S	12	102	Testimony of Kevin Kennedy dated 10-13-15 64
13	JOSHUA L. KAUL,	13	103	Memo to the Governor's Office from GAB dated 11-18-15 67
14	PERKINS COIE, LLP,	14	104	WSJ news article dated 12-16-11 73
15	Attorneys at Law,	15	105	GAB survey of voter fraud complaints for November 2008 election 74
16	One East Main Street, Suite 600,	16	106	Memo to Members, GAB, from K. Kennedy dated for the March 30-31, '09 meeting 77
17	Madison, Wisconsin 53703, appearing on behalf of the plaintiffs;	17		
18	S. MICHAEL MURPHY,	18		
19	Assistant Attorney General,	19		
20	WISCONSIN DEPARTMENT OF JUSTICE,	20		
21	17 West Main Street,	21		
22	Madison, Wisconsin 53703, appearing on behalf of the defendants.	22		
23	ALSO PRESENT: TODD CAMPBELL (Videographer)	23		
24	*****	24		
25		25		
	2			4

1	I N D E X (Continued)	1	the plaintiffs.
2	Exhibit Identified	2	MR. MURPHY: Mike Murphy on behalf of
3	107 Emails among S. Falk, D. Buerger and others dated 7-31-14 78	3	the deponent, Government Accountability Board.
4	108 Email from J. Futrell to N. Robinson and others dated 7-26-11 81	4	I'd like to note that this is the 30(b)(6)
5		5	deposition of the Government Accountability
6	109 GAB accessibility advisory group meeting minutes dated 7-14-11 82	6	Board. The person testifying today is
7		7	Mr. Kevin Kennedy. This is one of two
8	110 Email from L. Hughes to D. Buerger dated 10-6-14 85	8	depositions where he has testified, but he is
9	111 Emails between A. Coakley and M. Pike dated 9-18 and 9-19-14 86	9	today appearing as the representative of the
10	112 Spreadsheets of data on absentee voting 99	10	Government Accountability Board under
11		11	Rule 30(b)(6).
12	* * * * *	12	KEVIN J. KENNEDY,
13	(Original transcript is filed with Attorney Kaul)	13	called as a witness, being first duly
14		14	sworn in the above cause, testified
15		15	under oath as follows:
16		16	EXAMINATION
17		17	BY MR. KAUL:
18		18 Q	Mr. Kennedy, let me start out by briefly talking
19		19	about the nature of this deposition. Have you been a
20		20	representative in a 30(b)(6) deposition before?
21		21 A	No.
22		22 Q	Okay. Are you familiar with the basic distinction
23		23	between a 30(b)(6) deposition and a personal
24		24	deposition?
25		25 A	I believe so.
	5		7
1	THE VIDEOGRAPHER: We are on the	1 Q	And just briefly to summarize that difference, is it
2	record. Seated before you is	2	your understanding that today you're testifying not
3	Mr. Kevin J. Kennedy. This is Media No. 1 of	3	on behalf of yourself and your own views but rather
4	the video deposition of the 30(b)(6) designee	4	on behalf of the Government Accountability Board and
5	for the Government Accountability Board	5	its views?
6	testimony given by Mr. Kevin J. Kennedy. The	6 A	That's right.
7	date is January 28th, 2016. The time is 9:18	7 Q	I'm going to start out today by showing you a few
8	a.m.	8	documents, which this one we can mark as Kennedy 81,
9		9	and I'll also show you Kennedy 82.
10	This deposition is being taken in the	10	(Exhibits 81 and 82 are marked for identification)
11	matter of One Wisconsin Institute, Incorporated,	11 Q	Starting with 81, do you recognize that document?
12	et al., vs. Gerald C. Nichol, et al., pending in	12 A	Yes.
13	the United States District Court, State of	13 Q	What is that?
14	Wisconsin, Western District, Case No. 15-CV-324.	14 A	It is a summary of election related changes that was
15	This deposition is taking place at the State of	15	prepared by the agency staff of election law changes
16	Wisconsin, Department of Justice, 17 West Main	16	from the 2011-2012 legislative session.
17	Street in Madison, Wisconsin.	17 Q	And when you say agency staff, you mean the GAB?
18	I am Todd Campbell, videographer with	18 A	I mean the Government Accountability Board staff,
19	Campbell Legal Video Company of Milwaukee,	19	yes.
20	Wisconsin. The court reporter is Lisa Creeron	20 Q	And is this summary made available to particular
21	of Madison Freelance Reporters. Would counsel	21	groups or people?
22	please first introduce themselves and state whom	22 A	I believe it's posted on our website. It's made
23	they represent, starting with the plaintiff, and	23	particularly available to municipal clerks who have
24	then the court reporter will swear in the	24	the greatest need for seeing this information, but it
25	witness.	25	would be a document that we would have on our
	MR. KAUL: I'm Josh Kaul on behalf of		
	6		8

<p>1 website.</p> <p>2 Q Let me direct your attention to Page 11 of the</p> <p>3 document, the last page. On that page there's a</p> <p>4 summary of 2011 Wisconsin Act 227, is that right?</p> <p>5 A Yes.</p> <p>6 Q And the first provision discussed in that summary</p> <p>7 talks about a provision that prohibits a municipal</p> <p>8 clerk from returning an absentee ballot to a voter</p> <p>9 once the voter mails or personally delivers the</p> <p>10 ballot to the clerk except under specified</p> <p>11 circumstances, is that right?</p> <p>12 A That's right.</p> <p>13 Q And it specifies that a ballot can be returned to a</p> <p>14 voter if there is an improperly completed certificate</p> <p>15 or no certificate, is that right?</p> <p>16 A Yes.</p> <p>17 Q And also that a ballot may be returned if the voter</p> <p>18 returns a spoiled or damaged absentee ballot to the</p> <p>19 clerk?</p> <p>20 A Yes.</p> <p>21 Q So aside from those exceptions, in what circumstances</p> <p>22 prior to this law would clerks return absentee</p> <p>23 ballots to voters?</p> <p>24 MR. MURPHY: Object to form.</p> <p>25 A Well, my recollection was there was no restriction,</p> <p style="text-align: right;">9</p>	<p>1 MR. MURPHY: Object to form.</p> <p>2 A Yes. Again it didn't happen very often that I'm</p> <p>3 aware of, but if that question were raised to our</p> <p>4 office, we would tell the clerk if you can make it</p> <p>5 work, reissue the ballot.</p> <p>6 Q And now that would not be permissible, right?</p> <p>7 MR. MURPHY: Object to the form.</p> <p>8 A The advice that the agency would give the clerk is,</p> <p>9 no, you cannot.</p> <p>10 Q All right. Let me ask you about Exhibit 82. Once</p> <p>11 you've had a chance to look at that, can you tell me</p> <p>12 if you recognize that document?</p> <p>13 A Okay.</p> <p>14 Q What is that document?</p> <p>15 A This is a summary of legislation that was enacted by</p> <p>16 the Legislature in the 2013-2014 legislative session</p> <p>17 that's relevant to the Government Accountability</p> <p>18 Board.</p> <p>19 Q Okay. And this was prepared by the GAB staff again?</p> <p>20 A Yes, it was, by Brian Bell, who at the time was an</p> <p>21 employee of the staff -- of the agency.</p> <p>22 Q Okay. And do the contents of Exhibits 81 and 82</p> <p>23 reflect the GAB's understanding of the provisions</p> <p>24 discussed in those documents?</p> <p>25 A Yes, they were prepared to -- you know, by the agency</p> <p style="text-align: right;">11</p>
<p>1 that if there was a concern about the ballot that the</p> <p>2 vote -- the ballot could be returned to the voter and</p> <p>3 reissued. There was a note made on the absentee</p> <p>4 ballot log to indicate that so that there was only</p> <p>5 one ballot that was finally accepted, but it was my</p> <p>6 recollection it was a pretty rare occurrence that</p> <p>7 people would be asking for their ballot back. But</p> <p>8 occasionally it was simply because the ballot had --</p> <p>9 they had changed their mind.</p> <p>10 One of the concerns I think in practice was that</p> <p>11 voters would cast an absentee ballot and then they'd</p> <p>12 show up at the polls and when they were told that</p> <p>13 their absentee ballot had been -- that they had voted</p> <p>14 an absentee ballot, if it hadn't been processed, the</p> <p>15 voter would say I would rather vote here and then the</p> <p>16 absentee ballot would be rejected because they</p> <p>17 already voted at the polls.</p> <p>18 Q Let me ask you about a scenario to make sure I</p> <p>19 understand how the law would impact that. Say a</p> <p>20 voter casts an absentee ballot by mail and</p> <p>21 subsequently realizes that he overvoted, meaning that</p> <p>22 he voted for two people for the same election. Prior</p> <p>23 to this change in the law, that voter could have</p> <p>24 requested to have his or her ballot returned and then</p> <p>25 cast a new ballot, correct?</p> <p style="text-align: right;">10</p>	<p>1 staff for the board and its customers so that there</p> <p>2 would be a readily available summary of what action</p> <p>3 had happened in that legislative session that</p> <p>4 impacted -- as it says, it's relevant to the GAB.</p> <p>5 Q And are those documents meant to be comprehensive</p> <p>6 summaries of election law legislation during the</p> <p>7 sessions discussed?</p> <p>8 A I'm not sure I would use the word comprehensive in</p> <p>9 the sense that they don't go into great detail as to</p> <p>10 the contents of the legislation. They're meant to</p> <p>11 capture all of the relevant legislation, so in that</p> <p>12 sense they would be comprehensive and they're meant</p> <p>13 to provide a good reference point so that if people</p> <p>14 need to dig deeper, they can find it. There's a</p> <p>15 reference to the actual act so it can be looked up in</p> <p>16 the originating bill.</p> <p>17 Q Let me show you another document then which we'll</p> <p>18 mark as Exhibit 83.</p> <p>19 (Exhibit 83 is marked for identification)</p> <p>20 A Okay.</p> <p>21 Q First I just want to verify, I believe we received</p> <p>22 this as three separate PDFs that were all in one</p> <p>23 email, so I just want to confirm. My understanding</p> <p>24 is that the third page is the first attachment to the</p> <p>25 first two pages and then the fourth and fifth pages</p> <p style="text-align: right;">12</p>

<p>1 are the second attachment to those -- to the letter</p> <p>2 in the first two pages, is that correct?</p> <p>3 A I don't know. I mean I'm familiar with the email,</p> <p>4 but I don't recall the order of -- oh, are you saying</p> <p>5 it's how it's referenced?</p> <p>6 Q Yeah. So the document refers to -- let's see. The</p> <p>7 letter -- let me find the relevant part here.</p> <p>8 A Yeah.</p> <p>9 Q Do you see what I'm referring to?</p> <p>10 A I see what you're referring to. So Page 3 is the</p> <p>11 first attachment.</p> <p>12 Q Okay.</p> <p>13 A And the second attachment would be Page 4.</p> <p>14 Q And that continues onto Page 5, is that right?</p> <p>15 A They refer to it as a third table on Page 5, which is</p> <p>16 different.</p> <p>17 Q Okay.</p> <p>18 A It's -- on Page 4 it's two specific calendar years,</p> <p>19 and on Page 6 it's all of the records in the</p> <p>20 statewide voter registration system.</p> <p>21 Q Okay. So who would this information -- first of all,</p> <p>22 the letter says this was -- it indicates it was sent</p> <p>23 to the Legislature. Was it in fact sent to the</p> <p>24 Legislature?</p> <p>25 A It was sent to members of the legislative standing</p> <p style="text-align: right;">13</p>	<p>1 A There was -- it appears from the way the column is</p> <p>2 structured that that number does not include the ones</p> <p>3 that would show up in the 20 days before the</p> <p>4 election, which would show up under the row late</p> <p>5 registration. So these would just be clerks, the</p> <p>6 second row of them, the clerks office should reflect</p> <p>7 voter registration forms that were just turned into</p> <p>8 the clerk's office but not during this special time,</p> <p>9 and there was a distinction because they didn't</p> <p>10 need -- at the time they did not need proof of</p> <p>11 residence whereas late registration required proof of</p> <p>12 residence. That doesn't mean that the clerks</p> <p>13 accurately entered the data, but that would be the</p> <p>14 purpose of creating those designations.</p> <p>15 Q Okay. And do you know, would that include say voter</p> <p>16 registration forms turned in by a voter registration</p> <p>17 drive that was not being conducted by an SRD?</p> <p>18 A We would be advising clerks to treat those as a mail</p> <p>19 registration. That would be the advice the agency</p> <p>20 would give if they were just dropped off by someone</p> <p>21 because -- who was not a special registration deputy.</p> <p>22 Q So this indicates that a little over nine percent in</p> <p>23 2012 were -- of voter registration applications were</p> <p>24 received at clerks' offices. Does that seem like a</p> <p>25 high number to you for in-person registration</p> <p style="text-align: right;">15</p>
<p>1 committees. It's addressed to the Senate Committee</p> <p>2 on Elections and Urban Affairs and the Assembly</p> <p>3 Committee on Campaigns and Elections.</p> <p>4 I don't recall that it went specifically to all</p> <p>5 legislators. I know there was an email that Brian</p> <p>6 sent it, but so I don't remember if -- I'd have to</p> <p>7 see the original email to see.</p> <p>8 Q Okay. And were all the materials contained in this</p> <p>9 document and sent collectively?</p> <p>10 A Yes.</p> <p>11 Q I have a couple questions on Page 4. And I'll focus</p> <p>12 on the table with the header 2012 Approved Voter</p> <p>13 Applications. My questions are going to be what some</p> <p>14 of these rows refer to under the heading application</p> <p>15 source.</p> <p>16 A Okay.</p> <p>17 Q First there's a row that says clerks office. Do you</p> <p>18 know what that refers to?</p> <p>19 A That would reflect voter registration applications</p> <p>20 that are filed in the municipal clerk's office.</p> <p>21 Q Okay. And would that include both registrations</p> <p>22 submitted during open registration and after open</p> <p>23 registration?</p> <p>24 A No.</p> <p>25 Q Okay. When were those submitted?</p> <p style="text-align: right;">14</p>	<p>1 application during open registration?</p> <p>2 A I don't know. I mean there's lots of reasons why</p> <p>3 people would fill out a registration form in the</p> <p>4 clerk's office. I mean it's a major point of</p> <p>5 contact. So, you know, without more looking at a</p> <p>6 longer period of time or talking to clerks what their</p> <p>7 experiences are, I really don't -- I mean the agency</p> <p>8 certainly is not in a position to do anything other</p> <p>9 than say that the numbers are the numbers.</p> <p>10 Q The next row lists special registration deputy, and</p> <p>11 am I right in understanding that those are</p> <p>12 applications that were received by special</p> <p>13 registration deputies and then submitted to clerks?</p> <p>14 A They were delivered to clerks by special registration</p> <p>15 deputies, yes. I mean the idea is to track the</p> <p>16 source of the application for the voter registration</p> <p>17 and so these would be those that the source for --</p> <p>18 the originating source was a special registration</p> <p>19 deputy.</p> <p>20 Q And the registrations received via mail, next row,</p> <p>21 those would all have to have been postmarked during</p> <p>22 the open registration period, correct?</p> <p>23 A Yes.</p> <p>24 Q So in 2012, those would not have been -- would not</p> <p>25 have had to have been accompanied by proof of</p> <p style="text-align: right;">16</p>

1 residence?	1 Q I'd like to ask you about the chart on the first page
2 A That's right.	2 of the document.
3 Q And the same would be true for the special	3 A Okay.
4 registration deputy registrations in 2012, right?	4 Q Which is about two-thirds of the way down, do you see
5 A That's right, no proof of residence.	5 that?
6 Q All right. And the next column or row, rather, has	6 A Yes, it's the only chart on the first page.
7 late registration?	7 Q Can you explain what that chart is showing?
8 A Yes.	8 A The chart shows a record of voters whose proof of
9 Q What type of registrations would those have been?	9 residence was provided by corroborators and so for
10 A Late registration, it refers -- it's a statutory	10 the first column for each of those three elections,
11 provision, but it's for those individuals who	11 those are the number of individuals who for their
12 register in the clerk's office after the close of	12 proof of residence offered -- had someone vouch for
13 registration.	13 them as a corroborator.
14 Q Okay. So those registrations would have had to have	14 The second column says, for those individuals,
15 been in person at the clerk's office?	15 how many of them had a driver's license record in our
16 A That's right.	16 statewide voter registration system. The third
17 Q So the only difference between those and the Election	17 column is how many had a Social Security number in
18 Day registrations is that the late registrations	18 the voter registration system and some could have
19 would have taken place prior to Election Day whereas	19 nothing and some could have both.
20 the Election Day registrations would have taken place	20 Q Do you know why your staff was assessing the number
21 on Election Day, is that right?	21 of people who used corroboration who had driver's
22 A They would have taken place in that window of 20 days	22 licenses issued by the state?
23 before the election and -- I'm trying to think if in	23 A I think it was a reflection of the questions that had
24 2012 we had -- I don't recall whether or not we ended	24 come in from the Milwaukee Journal Sentinel, and I
25 on the Friday before the election or if it was still	25 would have to go back and look, but I think one of
17	19
1 the Monday before the election, but it would have	1 the concerns really was, well, people who need a
2 been during that period of time and the statutes --	2 witness on Election Day might actually have an
3 there's a particular statutory provision that	3 identifying document, but it's not current enough to
4 authorizes that and it's titled Late Registration.	4 use as proof of residence because it doesn't have --
5 Q And I assume the terms for the 2010 chart are used	5 because it's not current on the day of the election.
6 the same way as the terms for the 2012 chart?	6 It's an expired driver's license or it has the wrong
7 A Yes.	7 address on it.
8 Q And then on the final page of this document, again	8 Q And these numbers indicate that that's with respect
9 the terms are being used the same way that we've been	9 to driver's licenses, that's correct for a large
10 discussing, right?	10 percentage of people who use corroboration, is that
11 A That's right.	11 right?
12 Q And with the chart on the final page of the document,	12 A It shows that a large number of them who use
13 this is looking at all of the active voters in the	13 corroboration had a driver's license.
14 SVRS, is that right?	14 Q And those are Wisconsin driver's licenses
15 A The number appears to reflect the active voters in	15 specifically, right?
16 the SVRS. I don't know if there's an explanation,	16 MR. MURPHY: Object to form.
17 but that number is consistent with what I -- what we	17 A I don't know. But generally we discourage clerks
18 would see at a given point in time as opposed to the	18 from using out-of-state licenses because there's
19 number of actual records.	19 nothing that they can use them for.
20 Q Okay. So this -- okay. I'd like to ask you some	20 Q And why were Social Security -- why were you
21 questions about voter registration provisions. This	21 analyzing the number of Social Security -- let me
22 first document was previously marked as Kennedy 10.	22 rephrase that -- the number of people for whom you
23 A Okay.	23 had Social Security number information?
24 Q Do you recall reviewing this document previously?	24 A I don't know why specifically that was done. I think
25 A I do.	25 it was just we had the information, so we included
18	20

<p>1 it. And I think looking at those numbers, there's a</p> <p>2 number of reasons why people want to know as much</p> <p>3 information about the people who used a corroborator</p> <p>4 for their proof of residence, and so it would just be</p> <p>5 an added piece of information that might have value</p> <p>6 in the legislative discussion.</p> <p>7 Q Can Social Security numbers be used in connection</p> <p>8 with voter registration?</p> <p>9 MR. MURPHY: Object to form.</p> <p>10 A If a voter does not have a driver's license, they are</p> <p>11 required to give the last four digits of their Social</p> <p>12 Security number and if they have neither, they have</p> <p>13 to indicate that they have neither.</p> <p>14 Q Okay. If an individual were to provide the last four</p> <p>15 of a Social Security number when he or she registered</p> <p>16 with a corroborator, for individuals for whom you had</p> <p>17 the Social Security number on file, you could have</p> <p>18 done a cross-check, is that right, to determine if</p> <p>19 they provided the accurate final four Social Security</p> <p>20 number digits?</p> <p>21 A We could do that, yes.</p> <p>22 Q Do you know if that was done or not?</p> <p>23 A Well, you know, it may be that the source of that</p> <p>24 Social Security number was actually the registration</p> <p>25 form that the voter filled out. I mean when you fill</p> <p style="text-align: right;">21</p>	<p>1 have to amend their registration because they move</p> <p>2 need a corroborator and we would probably have some</p> <p>3 data in the system on that they would have been an</p> <p>4 active voter but then their record got updated.</p> <p>5 Q Okay. So if this data was pulled at the beginning of</p> <p>6 2011, the data for some of the prior elections, like</p> <p>7 the 2006 election, would likely understate the number</p> <p>8 of people who registered using corroboration, right?</p> <p>9 A Well, the system would be -- anybody who was</p> <p>10 registered before 2006, we would not have been</p> <p>11 collecting that data.</p> <p>12 Q Right. But what I mean is there were likely some</p> <p>13 voters who registered in 2006 through corroboration</p> <p>14 who were no longer in the system when this data was</p> <p>15 pulled?</p> <p>16 A I don't know for sure.</p> <p>17 Q Would you say that it's likely?</p> <p>18 A I don't know for sure.</p> <p>19 Q I'll mark this next one as Exhibit 84.</p> <p>20 (Exhibit 84 is marked for identification)</p> <p>21 Q All right. And these are a series of documents</p> <p>22 relating to an investigation that the State Elections</p> <p>23 Board conducted regarding whether high schools were</p> <p>24 offering voter registration, is that right?</p> <p>25 A That's right.</p> <p style="text-align: right;">23</p>
<p>1 out a voter registration form, you list some data and</p> <p>2 required fields are driver's license number. If not</p> <p>3 a driver's license number, then the last four digits</p> <p>4 of the Social Security number. So that information</p> <p>5 would be put into the system.</p> <p>6 Q Were these statistics pulled out of the SVRS?</p> <p>7 A They were.</p> <p>8 Q So if an individual had -- who registered say in 2006</p> <p>9 had become inactive, would his or her registration be</p> <p>10 reflected in this chart?</p> <p>11 A I'm not sure what they were pulling from in terms of</p> <p>12 active. My sense is we were looking at active voters</p> <p>13 on this because inactive voters, the vast majority of</p> <p>14 those are people who have passed away or who have</p> <p>15 canceled their registration because they've moved to</p> <p>16 another state.</p> <p>17 You know, in the previous document, you asked me</p> <p>18 about the number at the top, which is 3.3 million odd</p> <p>19 numbers, which is generally about where our active</p> <p>20 numbers rest, but the number of records in that</p> <p>21 system is significantly more on that, and so in</p> <p>22 trying to analyze data, we would be looking at those</p> <p>23 people who are currently active. I mean people also</p> <p>24 would be inactive if they were convicted of a felony,</p> <p>25 for example, on that. But people could register --</p> <p style="text-align: right;">22</p>	<p>1 Q Let me first direct you to what I believe is the</p> <p>2 ninth page of the document that has the number 23 at</p> <p>3 the bottom, and it's a memorandum dated May 3 of</p> <p>4 1979.</p> <p>5 A Yes.</p> <p>6 Q Who is Gerald Ferwerda?</p> <p>7 A Mr. Ferwerda was the executive director of the State</p> <p>8 Elections Board at the time of this memorandum.</p> <p>9 Actually they called it the executive secretary. So</p> <p>10 he was the agency head of the Elections Board.</p> <p>11 Q Was he your predecessor?</p> <p>12 A He was my predecessor. At the time he was my boss.</p> <p>13 Q All right. And then let me direct your attention to</p> <p>14 a few pages after that to the page with the number 26</p> <p>15 on the bottom. And let me ask you to read the</p> <p>16 paragraph at the bottom of that page beginning with</p> <p>17 although not one.</p> <p>18 A Do you want me to read it out loud or to myself?</p> <p>19 Q I'm sorry. You can read it to yourself and then I</p> <p>20 will ask you a couple of questions.</p> <p>21 A Okay.</p> <p>22 Q Thank you. Okay. Now, in this paragraph,</p> <p>23 Mr. Ferwerda indicates that he is summarizing data to</p> <p>24 determine the productivity of the high school voter</p> <p>25 registration program.</p> <p style="text-align: right;">24</p>

1 A Yes.	1 A It appears that those numbers were all high school
2 Q And he then reports some statistics about the	2 students in the state.
3 percentage of high school seniors who are registered,	3 Q And do you know what --
4 is that right?	4 A All high school seniors in the state.
5 A Yes.	5 Q Right. And do you know at this time approximately
6 Q Do you know, are the statistics he's reporting, are	6 what percentage of Wisconsin residents were subject
7 those total number of high school seniors who are	7 to the registration requirements?
8 registered, or are they the percentages of high	8 A At that time I don't know. I know we had a pretty
9 school seniors who registered at high school?	9 good handle on it in 2006 when we were building the
10 A I don't know. It appears that he was drawing the	10 statewide registration system.
11 numbers from the people who registered at high school	11 Q And as of 2006, do you know what percentage were not
12 because that's where he was at when he was looking at	12 subject to voter registration?
13 this. It appears to be that number.	13 A In 2006, the numbers that we were looking at in
14 Q Okay. So your understanding is that he's indicating	14 assessing voter registration, we knew that there were
15 that for 1976 to '77, 5.8 percent of high school	15 about 1,500 municipalities of the 1,851 at the time
16 seniors registered at their high school, is that	16 who did not have voter registration, but 76 percent
17 right?	17 of the population were in areas that had voter
18 A That's right.	18 registration.
19 Q And similarly, the next period, 1977 to '78, it would	19 Q And from the late 1970s to 2006, there was population
20 be 4.3 percent of high school seniors registered at	20 growth in Wisconsin, correct?
21 their high school?	21 A Yes.
22 A Yes.	22 Q I'll mark this document as Exhibit 85.
23 Q And for 1978 to '79, it was 2.9 percent of high	23 (Exhibit 85 is marked for identification)
24 school seniors did so, is that right?	24 Q And you're welcome to look at it as much as you'd
25 A That's what -- that would really be the only set of	25 like. I'm going to ask you about the first two pages
25	27
1 numbers that he would have access to, so yes.	1 of the document.
2 Q Okay. And did the Elections Board and then the GAB	2 A Okay.
3 keep statistics after that point in time about the	3 Q First is it your understanding that this document
4 number of -- or the percentage of high school seniors	4 involves email exchanges among the GAB staff and the
5 who registered at high school?	5 clerk for the City of Brookfield?
6 A This is the only study that was done before -- that	6 A Yes, at least the first two pages.
7 specifically reach out for this activity. There was	7 Q All right. And this relates to difficulty that the
8 no statewide voter registration database before 2006.	8 clerk in Brookfield was having registering voters at
9 So the kind of data we looked at in prior exhibits	9 nursing homes --
10 that shows the source of registrations would not	10 MR. MURPHY: Object to form.
11 appear.	11 Q -- because of the proof of residence requirement, is
12 Q Okay. And Mr. Ferwerda indicates that in the	12 that correct?
13 three-year period he analyzed, just under 5,700 high	13 A Well, her specific question is not there, but I think
14 school students registered at their high school, is	14 reading it in context, she's asking how to address --
15 that right?	15 better ways to address it. You know, where you've
16 A That's right.	16 directed it, it seems late in the conversation. It
17 Q Now, at the time that he was doing this analysis,	17 simply points out -- and I haven't looked at the rest
18 municipalities with 5,000 or fewer voters did not	18 of the document. I've only looked at Page 2 and 1.
19 have voter registration, right?	19 It's clear that Mr. Haas was responding to the
20 A They were not required to have it. Some of them did,	20 Brookfield City Clerk and had a prior conversation
21 but most of them did not.	21 and I don't know if it was by email or by phone and
22 Q And do you know if his numbers, the percentage	22 he was simply adding here is some more information
23 numbers are a percentage of all high school students	23 that we didn't talk about.
24 in the state or just those in cities with	24 Q Okay. About halfway through the second page,
25 registration?	25 Mr. Haas is explaining that one of the options that
26	28

<p>1 municipal clerks had available for ensuring that</p> <p>2 nursing home residents had proof of residence would</p> <p>3 be to send a letter from the clerk to the resident of</p> <p>4 the nursing home because that letter would then be a</p> <p>5 government document with the person's address, right?</p> <p>6 A Well, that's not -- you wouldn't get that from that</p> <p>7 particular paragraph, but from the full context, you</p> <p>8 would know it was talking about nursing home voters.</p> <p>9 Q Okay. And in response to that, at the bottom of the</p> <p>10 first page -- actually is Kelly Michaels</p> <p>11 Mr. Michaels or Ms. Michaels?</p> <p>12 A Ms.</p> <p>13 Q Okay. She indicates that she has concerns about</p> <p>14 providing proof of residence for the purpose of</p> <p>15 giving voters acceptable proof of residence, is that</p> <p>16 right?</p> <p>17 A That's right.</p> <p>18 Q And then she writes, "I'm staying away from that," is</p> <p>19 that right?</p> <p>20 A That's what it says.</p> <p>21 Q Do you know whether other municipal clerks had</p> <p>22 concerns about this procedure?</p> <p>23 A I don't know for sure on that, no.</p> <p>24 Q Based on your experience, the GAB's experience in</p> <p>25 administering elections, is this method of proving</p> <p style="text-align: right;">29</p>	<p>1 later or before. There are just certain types of</p> <p>2 documents that are required and either you have them</p> <p>3 or you don't.</p> <p>4 Q Prior to the change in the law, though, if a voter</p> <p>5 registered during open registration, the voter didn't</p> <p>6 need to have proof of residence, right?</p> <p>7 A They did not need to have it.</p> <p>8 Q But now voters, although they're required to have</p> <p>9 documentary proof of residence, can use a letter sent</p> <p>10 to them from the municipal clerk informing them that</p> <p>11 their registration was not processed, for example, as</p> <p>12 proof of residence, is that right?</p> <p>13 MR. MURPHY: Object to form.</p> <p>14 A Well, there would have to be a different</p> <p>15 registration. I mean I don't think it quite works --</p> <p>16 when they register to vote, they have to have the</p> <p>17 documentary proof of residence. If they don't have</p> <p>18 it, they're going to be informed that they don't. If</p> <p>19 they wanted to re-register and use that letter, the</p> <p>20 answer would be yes.</p> <p>21 Q Okay.</p> <p>22 A But the first time through, that would not be the</p> <p>23 case.</p> <p>24 Q Under prior law, the registration would have just</p> <p>25 been processed the first time it was sent in if it</p> <p style="text-align: right;">31</p>
<p>1 residence more secure than the method that was in</p> <p>2 place before documentary proof of residence was</p> <p>3 required during the open registration period?</p> <p>4 A I'm not sure exactly what you're driving at here. I</p> <p>5 mean it's the same proof of residence requirement for</p> <p>6 late registration. It's now been extended to</p> <p>7 early -- to all registration forms. So why it would</p> <p>8 be more secure in one situation than another, I'm not</p> <p>9 quite sure why you're asking that.</p> <p>10 Q Well, previously voters who registered during open</p> <p>11 registration did not -- were not required to submit</p> <p>12 documentary proof of residence, right?</p> <p>13 MR. MURPHY: Object to form.</p> <p>14 A They were not required to provide an identifying</p> <p>15 document or a copy of one, no.</p> <p>16 Q And now they are, right?</p> <p>17 MR. MURPHY: Object to form.</p> <p>18 A That's right.</p> <p>19 THE WITNESS: Sorry.</p> <p>20 Q And some voters since the change in the law have had</p> <p>21 difficulty obtaining a form of proof of residence</p> <p>22 with which they could register, right?</p> <p>23 MR. MURPHY: Object to form.</p> <p>24 A I think some voters always have difficulty finding a</p> <p>25 proof of residence. It doesn't matter whether it was</p> <p style="text-align: right;">30</p>	<p>1 were sent during open registration, right?</p> <p>2 MR. MURPHY: Object to form.</p> <p>3 A That's one of the steps. They also receive a</p> <p>4 confirmation mailing and if that mailing comes back</p> <p>5 undeliverable, their registration is inactivated.</p> <p>6 Q Right. And that hasn't changed, right?</p> <p>7 A That has not changed.</p> <p>8 Q This one we'll mark as Exhibit 86.</p> <p>9 (Exhibit 86 is marked for identification)</p> <p>10 A Okay.</p> <p>11 Q Do you recognize that document?</p> <p>12 A I do.</p> <p>13 Q What is that?</p> <p>14 A It is a memorandum that was prepared by the elections</p> <p>15 division administrator at the time or on his behalf,</p> <p>16 Nat Robinson, and it was about proof of residence for</p> <p>17 college or university students.</p> <p>18 Q And that was sent to -- where it says interested</p> <p>19 parties, do you see that?</p> <p>20 A I see that.</p> <p>21 Q Do you know who it was sent to in particular?</p> <p>22 A I'm not sure if it was -- who it was actually</p> <p>23 distributed to.</p> <p>24 Q Do the contents of that letter accurately reflect the</p> <p>25 GAB's understanding as of the time it was sent?</p> <p style="text-align: right;">32</p>

1 A It reflects the advice the GAB staff was providing to 2 local election officials and interested parties, most 3 likely college students, university students and 4 university administrators. 5 Q Has the advice changed since that time? 6 A I don't believe that it has. 7 Q And would you agree that registration is particularly 8 confusing for student voters? 9 MR. MURPHY: Object to form. 10 A I'm not sure that the board has taken a position on 11 that. 12 Q Does the GAB staff have a view on that? 13 A I'm not sure that the GAB staff -- I mean they have 14 practices. I'm not sure that institutionally we 15 would have a position on that. 16 Q Let me show you Exhibit 87. 17 (Exhibit 87 is marked for identification) 18 A Okay. 19 Q Now, this is a memorandum that Nat Robinson sent 20 again to interested parties, is that right? 21 A That's right. 22 Q And do you have the same understanding of interested 23 parties here that you did with the last document? 24 A Right. It was a general information document that we 25 prepared whose primary audience would probably end up	1 Q All right. Let me show you a document we'll mark as 2 Exhibit 88. 3 (Exhibit 88 is marked for identification) 4 A Okay. 5 Q This is an email from an individual to the GAB help 6 desk, is that right? 7 A That's right. 8 Q And is that -- well, is there a publicly available 9 place for citizens to submit comments to the GAB? 10 A Yes. 11 Q Okay. And how do they do that? 12 A They can -- well, obviously they can write to our 13 address, but most often people will go online and 14 there's a place where they can send comments. 15 There's a specific place about complaints. I don't 16 know if this originated from a complaint. Probably 17 not because complaints go -- people who fill out an 18 online complaint form, it goes to our public 19 information officer. But people would see that they 20 could send a comment to the agency and where it would 21 go to would be the agency help desk. 22 Q Okay. And in this email, is it your understanding 23 that the voter was complaining that she was unable to 24 cast a ballot, as was her husband, due to the 25 residency rules?
33	35
1 being university and college students and people 2 working with them in voter registration settings, 3 which would include administrators. 4 Q Okay. And the beginning of this memo indicates that 5 the GAB has received a number of inquiries from 6 students and municipal clerks and university and 7 college representatives regarding a proper location 8 for college students to cast votes. Do you see that? 9 A Yes. 10 Q And is that correct? 11 A Yes. 12 Q And the memorandum addressing that issue, this 13 memorandum is approximately five and a half single 14 spaced pages, is that right? 15 A Yes. 16 Q Do you know why the memorandum was that length? 17 A Because we know that there are unique circumstances 18 that apply to students in terms of their residence, 19 in terms of the types of documents that they have 20 accessible. There's a number of different groups 21 that generate more sets of questions on this and so 22 as a result even the statutes have specific 23 provisions that deal just with students and so the 24 idea was to gather all that information in place so 25 it's an easy reference.	1 MR. MURPHY: Object to form. 2 A Well, she describes the situation and she did not 3 know what the residency rules were, so she did not 4 have enough time when she showed up at the polls on 5 Election Day to get back to the location where she 6 could vote and chose not to. 7 Q And that relates to my next question actually. Do 8 you receive -- this complaint wasn't unique with 9 respect to the residency rules -- let me rephrase 10 that. 11 Is it fair to say that you received other 12 communications from voters who had difficulties 13 voting because of the residency rules? 14 A I really can't speak to that. I don't know for sure. 15 Q Do you know whether -- well, does the GAB have an 16 understanding as to the degree to which voters are 17 familiar with the residency rules for voting in 18 Wisconsin? 19 A We don't have an objective evaluation of that. I 20 mean we know that we try to design materials to 21 provide information to voters about the requirements, 22 including changes that went into effect during the -- 23 as they go into effect. 24 Q In your experience, are most voters, by your 25 experience, I mean the GAB's experience, are most
34	36

<p>1 voters familiar with the residency rules?</p> <p>2 MR. MURPHY: Object to form.</p> <p>3 A I'm not sure that the agency looks at things in that</p> <p>4 particular development. I mean they look at their</p> <p>5 responsibility is to make as much information</p> <p>6 available in forms that people can understand.</p> <p>7 Residency would be one of those issues because it's</p> <p>8 important not only for are you eligible to vote but</p> <p>9 where you vote.</p> <p>10 So we design materials -- particularly we have</p> <p>11 the My Vote Wisconsin so people can see are you</p> <p>12 currently registered, where do you vote, and it does</p> <p>13 provide background information on the basic</p> <p>14 qualifications to vote. The website has I know a</p> <p>15 very specific, you know, section just for voters, and</p> <p>16 it does talk about the qualifications. So that's</p> <p>17 part of our job is to make sure that information is</p> <p>18 available, and I think we tailor it for all the</p> <p>19 components of voting, not just residency.</p> <p>20 Q Has there been any public information campaign</p> <p>21 conducted by the GAB or anyone else to your knowledge</p> <p>22 regarding the change to the residency rules?</p> <p>23 A By public information campaign, the only thing that I</p> <p>24 would say that we did was change our forward facing</p> <p>25 website, looked at our materials, discussed changes</p> <p style="text-align: right;">37</p>	<p>1 will be 91.</p> <p>2 (Exhibits 89 - 91 are marked for identification)</p> <p>3 Q I guess I'll first ask you to review 89 if you</p> <p>4 haven't already.</p> <p>5 A Okay.</p> <p>6 Q So 89 contains a couple emails involving GAB staff,</p> <p>7 is that right?</p> <p>8 A That's right.</p> <p>9 Q And these emails were sent on August 7th of 2012, is</p> <p>10 that right?</p> <p>11 A Yes.</p> <p>12 Q And the second page of Exhibit 89 indicates that</p> <p>13 there are two attachments to that email?</p> <p>14 A Yes.</p> <p>15 Q And is it your understanding that -- I may have done</p> <p>16 these out of order -- that 91 is the first attachment</p> <p>17 identified there?</p> <p>18 A I don't know if it's the first attachment. It makes</p> <p>19 reference to an email from -- again I don't know what</p> <p>20 the attachment is specifically, but the last email in</p> <p>21 the string, which is the first on the page, has the</p> <p>22 thank you for your kind words reference and it's tied</p> <p>23 to the Winnebago County Clerk, Sue Ertmer, but I</p> <p>24 don't have any reason to know if that's the actual</p> <p>25 attachment there.</p> <p style="text-align: right;">39</p>
<p>1 in various settings, but we did not engage in any</p> <p>2 kind of media outreach.</p> <p>3 You know, obviously there were media interviews</p> <p>4 that were done by myself and other members of the</p> <p>5 staff. We occasionally are called upon to speak at</p> <p>6 groups, and these are the kind of things that we</p> <p>7 would talk about, but there was no proactive taking</p> <p>8 out media advertising.</p> <p>9 Q According to this email, the voter had tears when she</p> <p>10 was informed that she was not going to be able to</p> <p>11 vote at her new residence, is that right?</p> <p>12 MR. MURPHY: Object to form.</p> <p>13 A The email says she was in tears.</p> <p>14 Q In your experience, are voters often upset when they</p> <p>15 learn that they're not able to vote?</p> <p>16 A Well, this person commented that part of what it</p> <p>17 appears maybe driving this was how rude the poll</p> <p>18 worker was to her. But I think in my experience if a</p> <p>19 person can't vote, if they're upset and that if we</p> <p>20 get those kind of phone calls, it's because they took</p> <p>21 the time to express their concerns or that kind of</p> <p>22 contact.</p> <p>23 Q I'm going to mark three documents which I believe go</p> <p>24 together, but I'd like to ask you about that. So</p> <p>25 this will be Kennedy 89, this will be 90, and this</p> <p style="text-align: right;">38</p>	<p>1 Q Okay. And the second attachment, is it your</p> <p>2 understanding that Exhibit 90 is that attachment?</p> <p>3 A I could infer that that's what it is based on the</p> <p>4 date, but again I don't know for sure.</p> <p>5 Q Okay. And if these documents were produced</p> <p>6 consecutively in this case, would that inform your</p> <p>7 understanding as to whether --</p> <p>8 A It would make sense.</p> <p>9 Q It would make sense that they were attachments?</p> <p>10 A Yes.</p> <p>11 Q What I'd like to ask you about is the -- near the top</p> <p>12 of Exhibit -- I forget how I marked them, the top of</p> <p>13 Exhibit 91 -- no, I'm sorry, 90, do you see where the</p> <p>14 writer refers to the residency rule?</p> <p>15 A Yes.</p> <p>16 Q And indicates that, "The FEC states 10 days and at</p> <p>17 least half your county clerks post this as the law."</p> <p>18 Do you see that?</p> <p>19 A Yes.</p> <p>20 Q All right. Now, at this point in time the residency</p> <p>21 requirement was 28 days, right?</p> <p>22 MR. MURPHY: Object to form.</p> <p>23 A In August of 2012, which was when this was dated,</p> <p>24 yes.</p> <p>25 Q Do you know whether it's correct that the FEC at that</p> <p style="text-align: right;">40</p>

<p>1 time indicated that the residency requirement was 10</p> <p>2 days?</p> <p>3 MR. MURPHY: Object to form.</p> <p>4 A I do not know what the FEC states. He may have been</p> <p>5 referring to a document that's prepared by the FEC,</p> <p>6 but I don't know if he had a conversation with the</p> <p>7 federal -- FEC I take to be the Federal Election</p> <p>8 Commission in Washington, DC.</p> <p>9 Q And do you know whether county clerks had information</p> <p>10 on their websites at this time indicating that the</p> <p>11 residency period was 10 days?</p> <p>12 A We know that there were a number of county clerks who</p> <p>13 had old information up and that we made an effort to</p> <p>14 communicate that to them, that there were -- you</p> <p>15 know, most government websites have a lot of</p> <p>16 information. When the law changes, they don't always</p> <p>17 catch everything, and that was one of the issues that</p> <p>18 we were dealing with.</p> <p>19 Q Do you know whether the Federal Election Commission</p> <p>20 also had old information up?</p> <p>21 A I don't know for sure. I wouldn't be surprised.</p> <p>22 Q I'll mark this one as 92.</p> <p>23 (Exhibit 92 is marked for identification)</p> <p>24 A Okay.</p> <p>25 Q This document is an email exchange between Lila Walsh</p> <p style="text-align: right;">41</p>	<p>1 So the poll list was marked for those unique</p> <p>2 individuals, a very small number of people, POR</p> <p>3 required, but that designation in the voter</p> <p>4 registration system changed on how we treat them.</p> <p>5 That's what Lila was following up here is that if you</p> <p>6 had someone who had registered to vote and had not</p> <p>7 provided their proof of residence on the system, you</p> <p>8 had to take special steps to deal with those</p> <p>9 particular cases because it was now everybody had to</p> <p>10 provide proof of residence. So we weren't going to</p> <p>11 have that designation in there.</p> <p>12 So what she was doing, and you can see it goes</p> <p>13 on for several pages and lists the individuals,</p> <p>14 providing them with specific instructions on how to</p> <p>15 deal with a unique group of people that were in a</p> <p>16 different situation prior to the change of the law.</p> <p>17 Q Okay. And in response to that email, the clerk from</p> <p>18 Menasha noted that the GAB website did not appear to</p> <p>19 be updated with the new law requiring proof of</p> <p>20 registration for everyone registering, is that right?</p> <p>21 A That's right.</p> <p>22 Q And this was approximately a month and a half after</p> <p>23 the requirement was in effect, is that right?</p> <p>24 A That's right.</p> <p>25 Q And in response to that email, Ms. Walsh wrote that</p> <p style="text-align: right;">43</p>
<p>1 and the clerk from Menasha, is that right?</p> <p>2 A For the Town of Menasha, yes.</p> <p>3 Q Who is Ms. Walsh?</p> <p>4 A Lila Walsh was one of our voter registration</p> <p>5 specialists who worked with municipal clerks to make</p> <p>6 sure that their voter registration records were</p> <p>7 correct and helped train them on using the statewide</p> <p>8 voter registration system.</p> <p>9 Q Okay. On the bottom of the second page of this</p> <p>10 document, there's an email which she sent explaining</p> <p>11 that the Town of Menasha had POR required voter</p> <p>12 records that should be reviewed, do you see that?</p> <p>13 A Yes.</p> <p>14 Q And does POR required voter records mean that</p> <p>15 registrations were entered into the system that were</p> <p>16 not accompanied by proof of registration when they</p> <p>17 were submitted?</p> <p>18 A No. One of the confusing things was that when the</p> <p>19 Help America Vote Act was passed and Wisconsin law</p> <p>20 incorporated this provision, an individual who</p> <p>21 registered to vote by mail who had never been</p> <p>22 registered in the State of Wisconsin was required to</p> <p>23 provide proof of residence in order to vote, and that</p> <p>24 was the one -- one of the few cases where they would</p> <p>25 get a provisional ballot if they showed up.</p> <p style="text-align: right;">42</p>	<p>1 there's still a lot of incorrect information on our</p> <p>2 website and emphasized the word -- the phrase a lot,</p> <p>3 is that right?</p> <p>4 A Well, she put it in italics.</p> <p>5 Q Okay. But otherwise that's right?</p> <p>6 A Yes.</p> <p>7 Q And is that your understanding as well?</p> <p>8 A My understanding is we spent a lot of time trying to</p> <p>9 identify all the documents that we had developed over</p> <p>10 the course of years that needed to be changed.</p> <p>11 Q And that's what she's referring to in Paragraph 3 of</p> <p>12 that same email, right?</p> <p>13 MR. MURPHY: Object to form.</p> <p>14 A She's referring to the fact that, yes, we have to go</p> <p>15 through and identify everything that's on our website</p> <p>16 because there's a lot of information there.</p> <p>17 Q And so every time that there's a change made to the</p> <p>18 law, the elections laws, that means that GAB had to</p> <p>19 go through and update all of its forms, is that</p> <p>20 right?</p> <p>21 A That's right.</p> <p>22 Q And the same would be true for municipal and county</p> <p>23 clerks?</p> <p>24 MR. MURPHY: Object to form.</p> <p>25 A It would be true, although they would also be relying</p> <p style="text-align: right;">44</p>

<p>1 pretty heavily on our information. We've developed</p> <p>2 most of the forms on that. If they synthesized</p> <p>3 information and created their own form, the answer</p> <p>4 would be yes.</p> <p>5 Q And as the number of provisions that are passed</p> <p>6 increases, does that process become increasingly</p> <p>7 difficult?</p> <p>8 A It's much more -- it takes a lot to do it and as</p> <p>9 evidenced by the fact that it took us quite a bit of</p> <p>10 time to catch up to it.</p> <p>11 Q All right. This will be Exhibit 93.</p> <p>12 (Exhibit 93 is marked for identification)</p> <p>13 A Okay.</p> <p>14 Q Now, this document is an email exchange involving the</p> <p>15 clerk from the City of Beloit and David Buerger from</p> <p>16 the GAB, is that right?</p> <p>17 A That's right.</p> <p>18 Q And this relates to difficulties that the City of</p> <p>19 Beloit was having getting absentee ballots to voters</p> <p>20 who were temporarily overseas?</p> <p>21 MR. MURPHY: Object to form.</p> <p>22 A Yes.</p> <p>23 Q And the GAB has received other communications about</p> <p>24 voters who were temporarily overseas who were unable</p> <p>25 to get ballots in time for them to be cast, is that</p> <p style="text-align: right;">45</p>	<p>1 Department of Justice puts on, states where someone</p> <p>2 is late getting -- municipalities getting that out</p> <p>3 that they would say you have to send it by express</p> <p>4 mail. They don't necessarily say FedEx, but they say</p> <p>5 express mail service.</p> <p>6 Q And do you know how much it would have cost the</p> <p>7 Beloit clerk to email that ballot to someone?</p> <p>8 A I don't know. But it's safe to assume that email</p> <p>9 was -- assuming you're only looking at the act of</p> <p>10 typing in the address and making the attachment,</p> <p>11 that's going to be whatever -- that's part of</p> <p>12 someone's daily duties. Whether you allocate that</p> <p>13 out, it's certainly not -- it's usually not a cost</p> <p>14 that's going to even be broken out.</p> <p>15 Q So the email would have been about 100 to \$130</p> <p>16 cheaper than the FedEx would have been?</p> <p>17 A I don't know what the allocation would have been for</p> <p>18 the city clerk, who gets paid a lot of money.</p> <p>19 Q Sure. The clerk would have had to allocate time to</p> <p>20 FedEx the ballot, right?</p> <p>21 A Sure.</p> <p>22 Q And an email would have arrived virtually</p> <p>23 immediately?</p> <p>24 A All the systems working as they should.</p> <p>25 Q But they were -- the clerk was not permitted to email</p> <p style="text-align: right;">47</p>
<p>1 right?</p> <p>2 A Yes.</p> <p>3 Q And on the second page near the top, Mr. Buerger in</p> <p>4 the last sentence of this email suggests that Beloit</p> <p>5 may even want to consider an alternative form of</p> <p>6 shipping that might be faster like FedEx, is that</p> <p>7 right?</p> <p>8 A That's right.</p> <p>9 Q And in response to that, the clerk indicates that she</p> <p>10 looked into that option, is that right?</p> <p>11 A That's right.</p> <p>12 Q And that it would cost between 100 and \$130 to send</p> <p>13 the ballots?</p> <p>14 A That's what she says.</p> <p>15 Q And Mr. Buerger agreed that that's a prohibitively</p> <p>16 high cost, is that right?</p> <p>17 A That's what he says.</p> <p>18 Q And is that the GAB's view?</p> <p>19 A No. I think you can't extrapolate that. I think</p> <p>20 that's one individual commenting on the set of</p> <p>21 figures. I can't say that the GAB has taken a view</p> <p>22 on the cost of that. And in fact, under certain</p> <p>23 federal requirements, we would have to require that</p> <p>24 to be done for military and overseas voters.</p> <p>25 That's not an unusual requirement that the</p> <p style="text-align: right;">46</p>	<p>1 this ballot, right?</p> <p>2 A That's right.</p> <p>3 Q This is Exhibit 94.</p> <p>4 (Exhibit 94 is marked for identification)</p> <p>5 Q First is it your understanding that this is an email</p> <p>6 that the GAB received by virtue of being a subscriber</p> <p>7 to the Clerk List?</p> <p>8 A Yes.</p> <p>9 Q And this is an email from the clerk from Mount</p> <p>10 Pleasant indicating that Mount Pleasant was swamped</p> <p>11 with in-person absentee voters?</p> <p>12 A That's right.</p> <p>13 Q Is it your understanding that Mount Pleasant was</p> <p>14 swamped with absentee -- in-person absentee voters?</p> <p>15 A This is my only indication of it.</p> <p>16 Q Did the GAB receive other communications about</p> <p>17 municipalities having lines or large numbers of</p> <p>18 voters for in-person absentee voting?</p> <p>19 A I'm sure that we did. I think we were all aware that</p> <p>20 there was a large number of people who were voting</p> <p>21 in-person absentee. I mean it was something that was</p> <p>22 talked about in preparing for the elections. It</p> <p>23 obviously made the clerks list. I don't know what</p> <p>24 the responses were to this.</p> <p>25 Q And this was in relation to the 2014 general</p> <p style="text-align: right;">48</p>

<p>1 election, right?</p> <p>2 A Yes.</p> <p>3 Q Okay. So this type of comment was not unique at the</p> <p>4 time, is that fair?</p> <p>5 A I'm sure there were others. I don't know if they all</p> <p>6 had the same wry sense of humor about sending us a</p> <p>7 bill and putting a smiley face on it.</p> <p>8 Q But with respect to lines for in-person absentee</p> <p>9 voting and being swamped with voters, this comment is</p> <p>10 not unique, right?</p> <p>11 A Well, lines. Whether people used the term swamped,</p> <p>12 there's nothing equivalent. I mean I think there was</p> <p>13 media coverage about the fact that there was long</p> <p>14 lines in many places. I'm sure there were other</p> <p>15 comments from clerks as well. Again I did not see</p> <p>16 what the clerk response to her comment was.</p> <p>17 Q All right. This will be 95.</p> <p>18 (Exhibit 95 is marked for identification)</p> <p>19 A Okay.</p> <p>20 Q All right. Now, this is an email that was sent to</p> <p>21 the GAB help desk in October of 2014, is that right?</p> <p>22 A Yes.</p> <p>23 Q And the emailer indicates that her daughter will be</p> <p>24 out of town on Election Day and during the in-person</p> <p>25 absentee voting period, is that right?</p> <p style="text-align: right;">49</p>	<p>1 time but would have required an identifying document</p> <p>2 for proof of residence.</p> <p>3 Q She also at that time would have been under the</p> <p>4 understanding that her -- well, the law at the time</p> <p>5 was that she was also required to submit an ID, a</p> <p>6 form of voter ID to cast a mail absentee ballot,</p> <p>7 correct?</p> <p>8 MR. MURPHY: Object to form.</p> <p>9 A That's right, because the Seventh Circuit had</p> <p>10 reinstated the voter ID law during that time period.</p> <p>11 Q Have you, meaning the GAB, encountered other voters</p> <p>12 who were concerned about identity theft?</p> <p>13 A That issue was raised, yes.</p> <p>14 Q And it was raised specifically in connection with the</p> <p>15 requirement that copies of IDs be included with</p> <p>16 absentee voting by mail, right?</p> <p>17 A I think it was raised in a number of contexts, that's</p> <p>18 why.</p> <p>19 Q Does the GAB have a view on how to advise voters in</p> <p>20 response to questions like this?</p> <p>21 A I can't say that we have a view. I mean this is the</p> <p>22 kind of question that our staff will get, and we will</p> <p>23 try to work to problem solve it, walk them through</p> <p>24 the various options that they have trying to address</p> <p>25 their concerns. You know, it's kind of like an</p> <p style="text-align: right;">51</p>
<p>1 A That's right.</p> <p>2 Q And again would it be accurate to say that the GAB</p> <p>3 has received other communications about individuals</p> <p>4 who will be out of town during the period available</p> <p>5 for in-person voting?</p> <p>6 A Yes.</p> <p>7 Q This emailer also indicates that her daughter is</p> <p>8 reluctant to send her ballot through the email</p> <p>9 because she's had her identity stolen twice, is that</p> <p>10 right?</p> <p>11 A No.</p> <p>12 MR. MURPHY: Object to form.</p> <p>13 A The answer is no. It appears she's talking about</p> <p>14 registration, not about the ballot. Because it's the</p> <p>15 identification that she's concerned about. She wants</p> <p>16 to show her ID in order to register. That's the way</p> <p>17 I read this document.</p> <p>18 Q Okay. Well, at this time the voter ID law was</p> <p>19 still --</p> <p>20 A I understand that, but I'm just reading the ID -- you</p> <p>21 know, to register to vote, she needed to show an</p> <p>22 identifying document for proof of residence and</p> <p>23 that's the only reason I can think of why she would</p> <p>24 need an ID and so rather than mail in registration,</p> <p>25 which would have been permitted back then at that</p> <p style="text-align: right;">50</p>	<p>1 individual case that you get.</p> <p>2 Q This is Kennedy 96.</p> <p>3 MR. MURPHY: Is this GAB 96?</p> <p>4 MR. KAUL: You know, I have that --</p> <p>5 that's because how they were written, but that's</p> <p>6 because we've been using that format before.</p> <p>7 They're all consecutively numbered. So I</p> <p>8 frankly think we could just call them by the</p> <p>9 number.</p> <p>10 MR. MURPHY: That's fine.</p> <p>11 MR. KAUL: I'll try to use that</p> <p>12 convention going forward.</p> <p>13 (Exhibit 96 is marked for identification)</p> <p>14 A Okay.</p> <p>15 Q Now, this is an email exchange between Neil Albrecht</p> <p>16 and some members of the GAB staff, is that right?</p> <p>17 A That's right.</p> <p>18 Q And in the middle of the second page, Ross Hein sent</p> <p>19 some data to Mr. Albrecht about in-person -- well,</p> <p>20 about absentee voting generally and in-person</p> <p>21 absentee voting in particular in the City of</p> <p>22 Delafield, right?</p> <p>23 A He gave him two numbers, right.</p> <p>24 Q And Mr. Albrecht responded with some analysis of that</p> <p>25 data and some other data?</p> <p style="text-align: right;">52</p>

<p>1 A That's right.</p> <p>2 Q Does the data in Mr. Albrecht's email appear to be</p> <p>3 correct to you?</p> <p>4 A I'm assuming that -- again I don't know for sure.</p> <p>5 I'd have to look at that information. I mean he's --</p> <p>6 the City of Delafield is the information we gave him.</p> <p>7 I would think he has a handle on how many</p> <p>8 absentee ballots he had. I mean he was simply</p> <p>9 dividing that over a certain number of hours, which</p> <p>10 I'm not sure of, but it would probably have to</p> <p>11 reflect the number of hours that were available for</p> <p>12 in-person absentee voting.</p> <p>13 Q And on the hours, I'll note he says here assuming 90</p> <p>14 hours, do you see that?</p> <p>15 A Yes.</p> <p>16 Q And the legislation was ultimately modified so the</p> <p>17 total was 110 hours, is that right?</p> <p>18 A I don't recall.</p> <p>19 Q The period for in-person absentee voting is from 8</p> <p>20 a.m. to 7 p.m., right?</p> <p>21 A It is now, yeah. I don't remember what the original</p> <p>22 proposal was.</p> <p>23 Q Okay.</p> <p>24 A But I mean this was all taking place during that</p> <p>25 discussion.</p> <p style="text-align: right;">53</p>	<p>1 Q What, if anything, do you recall about those</p> <p>2 communications?</p> <p>3 A We encouraged them to strike the 45 total hour</p> <p>4 limitation on the bill. I'm not sure what else we</p> <p>5 might have done on this, but because it was an</p> <p>6 appropriations bill, we thought that there could be</p> <p>7 some changes that would make it easier to administer.</p> <p>8 Q And what, if any, way in your experience did this</p> <p>9 bill ensure the integrity of the voting process?</p> <p>10 A I'm not sure that the GAB can speak to that.</p> <p>11 Q The GAB must have some views on what would help</p> <p>12 ensure the integrity of the voting process, correct?</p> <p>13 A But you asked about this in particular, and this is a</p> <p>14 policy decision on setting hours. The board doesn't</p> <p>15 normally go out and take strong positions on</p> <p>16 legislation in terms of integrity. They look at</p> <p>17 administrative concerns primarily.</p> <p>18 MR. MURPHY: You want a break?</p> <p>19 THE WITNESS: I'm okay.</p> <p>20 MR. KAUL: I think we've probably got</p> <p>21 about 15 minutes.</p> <p>22 THE VIDEOGRAPHER: Fifteen minutes.</p> <p>23 Q I'm happy to take one whenever you want.</p> <p>24 A Yeah, no.</p> <p>25 Q I'm also happy to keep moving if that's easier. I'd</p> <p style="text-align: right;">55</p>
<p>1 Q So currently it's 110 hours rather than the 90 he</p> <p>2 assumed, though, right?</p> <p>3 A Yes.</p> <p>4 Q Okay. So that would have some impact on the number</p> <p>5 of voters per minutes or seconds, correct?</p> <p>6 A That's right.</p> <p>7 Q Do you know if the numbers for the in-person absentee</p> <p>8 voters in Big Bend appear approximately correct?</p> <p>9 A I don't know.</p> <p>10 Q This will be Exhibit 97.</p> <p>11 (Exhibit 97 is marked for identification)</p> <p>12 A Okay.</p> <p>13 Q Do you recognize this document?</p> <p>14 A Yes.</p> <p>15 Q What is this?</p> <p>16 A It appears to be the veto message coming from the</p> <p>17 governor with respect to Senate Bill 324, which</p> <p>18 became 2013 Wisconsin Act 146.</p> <p>19 Q And you say it appears to be. To the best of your</p> <p>20 knowledge, was this a true and accurate copy of that?</p> <p>21 A Yes.</p> <p>22 Q Did you, meaning anyone on behalf of the GAB, have</p> <p>23 any communications with the Governor's Office</p> <p>24 regarding this bill?</p> <p>25 A Yes.</p> <p style="text-align: right;">54</p>	<p>1 like to switch gears and ask you about election</p> <p>2 observers. This will be 98.</p> <p>3 (Exhibit 98 is marked for identification)</p> <p>4 A Okay.</p> <p>5 Q All right. Now, this email string involves a</p> <p>6 constituent email sent to Representative Hutton's</p> <p>7 office which was then forwarded to the GAB, is that</p> <p>8 right?</p> <p>9 A That's right.</p> <p>10 Q And the constituent's email makes reference to the</p> <p>11 absentee voting process at a residential facility,</p> <p>12 Harwood, being private, is that right?</p> <p>13 A That's what they say, yes.</p> <p>14 Q And Mr. Haas ultimately responded to the legislative</p> <p>15 staff member who forwarded this communication, right?</p> <p>16 A Yes.</p> <p>17 Q All right. And I'd like to direct you to the second</p> <p>18 paragraph of his email. He writes that, "The</p> <p>19 Legislature has mandated that election observers must</p> <p>20 be allowed between three and eight feet of the</p> <p>21 location of where electors register and sign in at</p> <p>22 polling locations." Do you see that?</p> <p>23 A Yes.</p> <p>24 Q Does that rule apply when the special voting deputy</p> <p>25 process is being conducted at nursing homes?</p> <p style="text-align: right;">56</p>

<p>1 A It does.</p> <p>2 Q And have others raised concerns about privacy relating to the location of the observers?</p> <p>3 A They have.</p> <p>4 Q The line we just discussed also mentions three to eight feet of the location where an elector is registering and signing in at polling locations?</p> <p>5 A Yes.</p> <p>6 Q Now, am I correct in understanding that some locations, some polling places, those two processes take place at the same location?</p> <p>7 MR. MURPHY: Object to form.</p> <p>8 Q Those processes meaning signing in and registering.</p> <p>9 A Your question is if they take place at the same place in the polling place?</p> <p>10 Q Exactly.</p> <p>11 A I don't recall that I have seen it, but it would make sense in smaller municipalities. Most polling places I've been in, if you need to register to vote, you go to a separate location.</p> <p>12 Q Okay. And observers are required to be within three to eight feet of each of those two locations, correct?</p> <p>13 A That's right.</p> <p>14 Q So there are essentially two observer areas in</p> <p style="text-align: right;">57</p>	<p>1 Q I'm sorry, 100.</p> <p>2 (Exhibit 100 is marked for identification)</p> <p>3 Q And I'm not going to ask you specific questions about the content of that, but does that appear to you to be the attachment referred to?</p> <p>4 A Yes.</p> <p>5 Q Then going back to 99, let me first direct your attention to Page 4.</p> <p>6 A And?</p> <p>7 Q There's an email from Shane Falk.</p> <p>8 A Dated October 30th at 9:29?</p> <p>9 Q Yes.</p> <p>10 A Okay.</p> <p>11 Q First he writes, "This is pretty much the same stuff as from the RPW training guide that I reviewed." Do you see that?</p> <p>12 A Yes.</p> <p>13 Q And that's a reference to the Republican Party of Wisconsin training guide?</p> <p>14 A Yes. The reference to RPW training guide is, yes.</p> <p>15 Q Okay. And then the next sentence he says, "Remember all the issues we have had with We're Watching Wisconsin's training guides for observers."</p> <p>16 A Yes.</p> <p>17 Q And he says, "They were even more problematic?"</p> <p style="text-align: right;">59</p>
<p>1 polling locations unless there's an overlap between the two?</p> <p>2 A There could be additional observing areas as well. I mean if a voter gets challenged, the observer can be within three to eight feet of wherever that location is. If an observer wants to observe ballots being deposited in a ballot box, they could be positioned in that area. But generally they focus their attention on the sign-in or the registration process.</p> <p>3 Q Okay. This will be Exhibit 99.</p> <p>4 (Exhibit 99 is marked for identification)</p> <p>5 A Okay.</p> <p>6 Q All right. This document is an email exchange among members of the GAB staff, right?</p> <p>7 A That's right.</p> <p>8 Q And at the top of the first page, Mr. Magney says, "Here's the Romney version, which is slightly different." Do you see that?</p> <p>9 A Yes.</p> <p>10 Q And at the very end of this exchange, there's an image indicating that there was a PDF attachment, do you see that?</p> <p>11 A Yes.</p> <p>12 Q Let me mark Exhibit 101.</p> <p>13 MR. MURPHY: 100.</p> <p style="text-align: right;">58</p>	<p>1 A Yes.</p> <p>2 Q Do you know what he means by that?</p> <p>3 A He's referring to observer training guides that were put on by that group we had looked at where we were very concerned that they had inaccuracies in them.</p> <p>4 Q Do you recall what types of inaccuracies they had?</p> <p>5 A I don't recall.</p> <p>6 Q Is your recollection consistent with Mr. Falk's view that they were more severe than the ones in Exhibit 100?</p> <p>7 A Well, he's -- yes. My recollection is consistent with his comment.</p> <p>8 Q And then let me direct you to Page 1. There's another email from Mr. Falk?</p> <p>9 A Um-hum.</p> <p>10 Q In the second to third line of that email, he refers to problems you've seen in the past, particularly with Ardis. Do you see that?</p> <p>11 A I see that.</p> <p>12 Q And that's a reference to Ardis Cerny, is that right?</p> <p>13 A That's right.</p> <p>14 Q All right. In the next paragraph, he indicates that this can be handled at the polls in his opinion, do you see that?</p> <p>15 A Yes.</p> <p style="text-align: right;">60</p>

<p>1 Q And that means that mistakes that are made by</p> <p>2 observers at the polls based on any guidance being</p> <p>3 reviewed here can be dealt with at the polls?</p> <p>4 MR. MURPHY: Object to form.</p> <p>5 A What is being said there is that the best use of our</p> <p>6 resources is to make sure that we're training the</p> <p>7 poll workers to address how to handle observers</p> <p>8 rather than trying to correct the training that goes</p> <p>9 to observers.</p> <p>10 Q And in the next sentence, he refers to the biggest</p> <p>11 issue being the driver's license numbers for</p> <p>12 suspended, rejected and revoked plus the expiration</p> <p>13 date of the driver's licenses. Do you see that?</p> <p>14 A Yes.</p> <p>15 Q Do you know what he's referring to there?</p> <p>16 A I don't.</p> <p>17 MR. KAUL: All right. Why don't we go</p> <p>18 off the record.</p> <p>19 THE VIDEOGRAPHER: The time is 11:13</p> <p>20 a.m. This concludes Media No. 1 in the</p> <p>21 deposition of the 30(b)(6) testimony.</p> <p>22 (Short recess is taken)</p> <p>23 THE VIDEOGRAPHER: The time is 11:37</p> <p>24 a.m. We are on the record. This marks the</p> <p>25 beginning of Media No. 2 of the Government</p> <p style="text-align: right;">61</p>	<p>1 Do you see that?</p> <p>2 A Yes.</p> <p>3 Q Did you review these slides?</p> <p>4 A I did.</p> <p>5 Q Is it your understanding that that's an accurate</p> <p>6 characterization of the slide?</p> <p>7 MR. MURPHY: Object to form.</p> <p>8 A I don't recall, but you know, he provided a detailed</p> <p>9 response, so --</p> <p>10 Q Did you ever ask the Republican Party why they were</p> <p>11 encouraging election observers to sign in as</p> <p>12 concerned citizens?</p> <p>13 A No.</p> <p>14 Q And this method of signing in had been used before by</p> <p>15 the Republican Party of Wisconsin, right?</p> <p>16 MR. MURPHY: Object to form.</p> <p>17 A I don't know.</p> <p>18 Q Do you know whether the group from Waukesha that has</p> <p>19 had I think a couple different names, including We're</p> <p>20 Watching Wisconsin, encouraged their observers to</p> <p>21 sign in as concerned citizens?</p> <p>22 A I think they did.</p> <p>23 Q And many of the complaints that you've received</p> <p>24 regarding elections observers have involved people</p> <p>25 who signed in as concerned citizens, correct?</p> <p style="text-align: right;">63</p>
<p>1 Accountability Board 30(b)(6) deposition</p> <p>2 testimony given by Mr. Kevin J. Kennedy.</p> <p>3 (Exhibit 101 is marked for identification)</p> <p>4 Q I just handed you an exhibit that's marked as</p> <p>5 Exhibit 101. I just have a few quick questions</p> <p>6 about this document.</p> <p>7 A Sure.</p> <p>8 Q First this is an email exchange between GAB staff and</p> <p>9 John Schmieder, is that right?</p> <p>10 A I believe that's how it's pronounced, yeah.</p> <p>11 Q And he is the political director for the Republican</p> <p>12 Party of Wisconsin?</p> <p>13 MR. MURPHY: Object to form.</p> <p>14 A That's how he identifies himself in this email.</p> <p>15 Q And he had sent the GAB slides from a PowerPoint for</p> <p>16 a presentation to election observers, is that right?</p> <p>17 A Yes.</p> <p>18 Q And Nate Judnic was responding with some suggestions</p> <p>19 about potential improvements for the slide, is that</p> <p>20 correct?</p> <p>21 A That's right.</p> <p>22 Q In the middle of Page 1, in a section beginning with</p> <p>23 Slide 8, observer rules, Mr. Judnic notes that the</p> <p>24 slide advised observers that they can sign in as</p> <p>25 either a concerned citizen or a Republican volunteer.</p> <p style="text-align: right;">62</p>	<p>1 A I don't recall.</p> <p>2 Q That's all I have on that one. This will be</p> <p>3 Exhibit 102.</p> <p>4 (Exhibit 102 is marked for identification)</p> <p>5 A Okay.</p> <p>6 Q Do you recognize this document?</p> <p>7 A I do.</p> <p>8 Q What is this?</p> <p>9 A This is my testimony that was given before a joint</p> <p>10 legislative hearing on October 13th, 2015.</p> <p>11 Q All right. And this testimony related to the bill</p> <p>12 that eliminated the GAB, is that right?</p> <p>13 A Both versions -- both the Assembly version and the</p> <p>14 Senate version, yes.</p> <p>15 Q Okay. And let me direct your attention to the top of</p> <p>16 Page 2. Would you read that first paragraph into the</p> <p>17 record?</p> <p>18 A "The timing of the legislation is all wrong as we</p> <p>19 embark on a presidential election year similar to the</p> <p>20 2000 election cycle and implement the voter</p> <p>21 identification law. An evenly balanced commission of</p> <p>22 partisans is likely going to ensure gridlock on</p> <p>23 crucial administrative and enforcement issues during</p> <p>24 the 2016 election cycle and for years to come."</p> <p>25 Q Okay. And when you say that the timing of the</p> <p style="text-align: right;">64</p>

<p>1 legislation is all wrong, what did you mean by that?</p> <p>2 MR. MURPHY: Object to vague as to</p> <p>3 whether you're asking GAB or Mr. Kennedy.</p> <p>4 Q Well, let me go back a step actually. Was your</p> <p>5 testimony here provided on behalf of the GAB?</p> <p>6 A I don't think it's fair to say that. My opening</p> <p>7 sentence says, "The Government Accountability Board</p> <p>8 has not met to discuss taking a position on this</p> <p>9 legislation. I am appearing here in my capacity as</p> <p>10 the director and general counsel for the board."</p> <p>11 And while I speak on behalf of the board, I had</p> <p>12 no clearance for any of these comments.</p> <p>13 Q Okay. Do you as the director and general counsel for</p> <p>14 the board frequently speak on behalf of the board?</p> <p>15 A I do.</p> <p>16 Q And typically when your agency provides testimony at</p> <p>17 the Legislature, you're the person who testifies,</p> <p>18 right?</p> <p>19 A That's right.</p> <p>20 Q So did anybody else from the GAB provide testimony</p> <p>21 regarding this issue?</p> <p>22 A The board chair, Judge Nichol, did.</p> <p>23 Q And were his comments about the timing of the</p> <p>24 legislation similar?</p> <p>25 A I don't recall that he addressed that at all.</p> <p style="text-align: right;">65</p>	<p>1 A I see that.</p> <p>2 Q What did you mean by that?</p> <p>3 MR. MURPHY: Same objection.</p> <p>4 A I'm going to say those are my characterizations.</p> <p>5 Q And again what's your understanding of what</p> <p>6 Mr. Kennedy meant by that?</p> <p>7 A I think he meant that -- well, he meant that the</p> <p>8 proponents of the legislation were willing to</p> <p>9 mischaracterize, falsify or spin in this case</p> <p>10 findings of the Legislative Audit Bureau to advance</p> <p>11 the legislation.</p> <p>12 Q All right. Let me show you another document. This</p> <p>13 one we'll mark as Kennedy -- or as 103.</p> <p>14 (Exhibit 103 is marked for identification)</p> <p>15 A Okay.</p> <p>16 Q Do you recognize this document?</p> <p>17 A I do.</p> <p>18 Q And what is this?</p> <p>19 A This is a bill analysis that the Governor's Office</p> <p>20 asked in this case of the Government Accountability</p> <p>21 Board, but it asked it of all state agencies with</p> <p>22 respect to legislation that may impact those</p> <p>23 agencies.</p> <p>24 Q And this is on behalf of the board, correct?</p> <p>25 A This is prepared on behalf of the board.</p> <p style="text-align: right;">67</p>
<p>1 Q What is your understanding as a representative of the</p> <p>2 GAB as to what Mr. Kennedy meant when he referred to</p> <p>3 the timing of the legislation being all wrong?</p> <p>4 A That the idea of changing the governing structure of</p> <p>5 the agency charged with administering elections in</p> <p>6 the middle of the busiest, most complex part of the</p> <p>7 four-year election cycle was not a prudent approach.</p> <p>8 Q Okay. And doing so can undermine election</p> <p>9 administration, correct?</p> <p>10 A Are those words in there?</p> <p>11 Q I'm asking you.</p> <p>12 A Well, I think there are other words to describe it,</p> <p>13 but I think it would create problems in public</p> <p>14 confidence in administration of the elections. It</p> <p>15 could create concerns about how -- well, let's just</p> <p>16 leave it at that.</p> <p>17 Q All right. Going down about three paragraphs,</p> <p>18 there's a paragraph beginning with instead, do you</p> <p>19 see that?</p> <p>20 A Yes.</p> <p>21 Q And you said that, "Instead, legislators have engaged</p> <p>22 in a continuing series of exaggerated and unfounded</p> <p>23 critiques of the board in the media."</p> <p>24 MR. MURPHY: Object to form.</p> <p>25 Q Do you see that?</p> <p style="text-align: right;">66</p>	<p>1 Q And this was sent to the Governor's Office prior to</p> <p>2 his signing the legislation?</p> <p>3 A It was.</p> <p>4 Q And does this document accurately reflect the GAB's</p> <p>5 views with respect to the bill that eliminated the</p> <p>6 GAB?</p> <p>7 A This was shared with board members and they were</p> <p>8 offered the opportunity to provide comments before it</p> <p>9 was sent, so yes.</p> <p>10 Q All right. Let me direct you to Page 2. The third</p> <p>11 paragraph in Section 3, which has the header Policy</p> <p>12 Significance, the memo states that, "The effective</p> <p>13 date of the bill will create significant</p> <p>14 administrative problems for the conduct of elections</p> <p>15 in the upcoming presidential election year"?</p> <p>16 A Yes.</p> <p>17 Q What types of administrative problems does the GAB</p> <p>18 anticipate will take place as a result of the timing</p> <p>19 of that bill?</p> <p>20 A Well, as it points out, there's a discontinuity of</p> <p>21 the oversight of the agencies. There's a transition</p> <p>22 in leadership, and that could mean the impact is hard</p> <p>23 to say. It just breaks up the continuity of what's</p> <p>24 been in place for the past eight years.</p> <p>25 Q And there are, I think you said before, over 1,500</p> <p style="text-align: right;">68</p>

<p>1 municipal clerks in Wisconsin. Is that number right,</p> <p>2 or is that a different number?</p> <p>3 A 1,853.</p> <p>4 Q Thank you.</p> <p>5 A Plus 72 county clerks.</p> <p>6 Q Okay. So over 1,900 total clerks. Based on the</p> <p>7 GAB's experience, is it helpful to election</p> <p>8 administration to have a strong central election</p> <p>9 administration agency?</p> <p>10 A I think that's the role of the agency is to be -- I'm</p> <p>11 not sure about how strong it is, but it's to provide</p> <p>12 uniform guidance and direction.</p> <p>13 Q And one of the concerns that the agency had about the</p> <p>14 Elections Board that will replace it is that there</p> <p>15 could be partisan gridlock, is that right?</p> <p>16 A That was one of the criticisms of it, yes.</p> <p>17 Q And if that were the case, that would potentially</p> <p>18 leave municipal clerks without central guidance on</p> <p>19 issues of election administration?</p> <p>20 A Potentially, yes.</p> <p>21 Q The end of the paragraph we were discussing before</p> <p>22 says, "Quite simply, the effective date of this</p> <p>23 bill -- roughly five months prior to a major</p> <p>24 federal/state election -- is irresponsible, if not</p> <p>25 reckless, and could have major impacts on voters</p> <p style="text-align: right;">69</p>	<p>1 Q And did the GAB follow a public opinion polling</p> <p>2 regarding the elimination of the GAB at this time?</p> <p>3 A Did the GAB what?</p> <p>4 Q Follow a public opinion polling about the public's</p> <p>5 view about the elimination of the GAB.</p> <p>6 A No.</p> <p>7 Q We were just discussing public confidence. Is it</p> <p>8 your understanding that that was one of the</p> <p>9 rationales that the Legislature relied upon for some</p> <p>10 of the election laws that are at issue in this case?</p> <p>11 MR. MURPHY: Object to form.</p> <p>12 A I understand that the proponents of the legislation</p> <p>13 used that rationale to advocate for the passage.</p> <p>14 Q In the following paragraph under administrative</p> <p>15 significance, the memorandum indicates that the</p> <p>16 uncertainty during the debate of the bill eliminating</p> <p>17 the GAB prompted an exodus of high level talented</p> <p>18 staff, is that correct?</p> <p>19 A That's correct.</p> <p>20 Q And does the exodus of high level talented staff</p> <p>21 undermine election administration?</p> <p>22 A Well, you lose people with experience. You lose</p> <p>23 people with passionate commitment for their jobs. I</p> <p>24 would say the answer is yes.</p> <p>25 Q And as a result of the bill eliminating the GAB, the</p> <p style="text-align: right;">71</p>
<p>1 across the State of Wisconsin." Is that right?</p> <p>2 A That's right.</p> <p>3 Q And that's an accurate summary of the GAB's view?</p> <p>4 A It is.</p> <p>5 Q And then let me direct your attention to the next</p> <p>6 page. The first full paragraph talks about both the</p> <p>7 rolling out of a new statewide voter registration</p> <p>8 system and updating its voter information portal as</p> <p>9 well as full implementation of the voter ID law?</p> <p>10 A Yes.</p> <p>11 Q And it says, "These projects could be subject to</p> <p>12 unnecessary and potentially catastrophic delay</p> <p>13 because of the change in the agency management</p> <p>14 structure negatively affecting the work of county and</p> <p>15 municipal clerks and ultimately the services provided</p> <p>16 to the voters." Do you see that?</p> <p>17 A I do.</p> <p>18 Q And the projects that it's referring to, that that</p> <p>19 sentence is referring to include the project of</p> <p>20 implementing the voter ID law in full, is that right?</p> <p>21 A That's right.</p> <p>22 Q And the following paragraph indicates that the</p> <p>23 sweeping restructuring of the GAB would erode public</p> <p>24 confidence, is that correct?</p> <p>25 A That's right.</p> <p style="text-align: right;">70</p>	<p>1 staff other than the director and general counsel</p> <p>2 have the option of remaining employed in election</p> <p>3 administration for the state, is that right?</p> <p>4 MR. MURPHY: Object to form.</p> <p>5 A Well, I'm not even sure it's an option. All of the</p> <p>6 existing staff except the person holding the position</p> <p>7 of director and general counsel automatically</p> <p>8 transfer to the new commissions.</p> <p>9 Q And is there any guarantee in the legislation that</p> <p>10 those individuals will have the same positions in the</p> <p>11 new agencies --</p> <p>12 MR. MURPHY: Object to form.</p> <p>13 Q -- that they currently hold?</p> <p>14 A The legislation doesn't address that. It requires</p> <p>15 the Department of Administration to develop a plan</p> <p>16 for allocating the staff.</p> <p>17 Q So it's possible, for instance, that somebody</p> <p>18 currently working on elections could be moved to the</p> <p>19 Ethics Board?</p> <p>20 MR. MURPHY: Object to form.</p> <p>21 A I think that's speculation. The plan requires my</p> <p>22 input and recommendations, and I don't know what</p> <p>23 would happen beyond what I recommend.</p> <p>24 Q And the decision will ultimately be made by the</p> <p>25 Department of Administration?</p> <p style="text-align: right;">72</p>

<p>1 A Subject to approval by the Joint Committee on</p> <p>2 Finance.</p> <p>3 Q At the end of that paragraph we were just discussing,</p> <p>4 the memorandum in reference to the exodus of high</p> <p>5 level staff says, "All signs point to this trend</p> <p>6 continuing once the bill is signed." Do you see</p> <p>7 that?</p> <p>8 A Yes.</p> <p>9 Q Is that still the GAB's view?</p> <p>10 A Yes.</p> <p>11 Q And is it your understanding that there have been</p> <p>12 calls for the elimination of the GAB dating as far</p> <p>13 back as 2011?</p> <p>14 A Yes.</p> <p>15 Q And that includes calls for that by then Assembly</p> <p>16 Speaker Jeff Fitzgerald, is that right?</p> <p>17 A I know that he made that -- he's one of the</p> <p>18 individuals who did, yes.</p> <p>19 Q And that was back in 2011?</p> <p>20 A I don't recall when.</p> <p>21 Q Okay. Let me just show you a news article. This is</p> <p>22 Exhibit 104.</p> <p>23 (Exhibit 104 is marked for identification)</p> <p>24 Q Does this document refresh your memory as to when --</p> <p>25 A It does.</p> <p style="text-align: right;">73</p>	<p>1 A I don't.</p> <p>2 Q Let me direct your attention to, I guess, Section 4.</p> <p>3 A Okay.</p> <p>4 Q That section summarizes six complaints that had</p> <p>5 resulted in the filing of a court action. Is that</p> <p>6 right?</p> <p>7 A That's right.</p> <p>8 Q And one of those complaints according to this related</p> <p>9 to somebody who allegedly voted without necessary</p> <p>10 qualifications or residency?</p> <p>11 A That's right.</p> <p>12 Q And then there's another category with five cases and</p> <p>13 it states falsely procuring registration or making</p> <p>14 false statement to election official. Do you see</p> <p>15 that?</p> <p>16 A Yes.</p> <p>17 Q Do you have an understanding of what that means more</p> <p>18 specifically?</p> <p>19 A Generally that's the statute that charges people who</p> <p>20 falsify a voter registration form.</p> <p>21 Q Okay. So if somebody were to submit a voter</p> <p>22 registration form under the name Mickey Mouse and if</p> <p>23 that weren't their actual name, that's the statute</p> <p>24 that would apply?</p> <p>25 A Right.</p> <p style="text-align: right;">75</p>
<p>1 Q And when was it that Speaker Fitzgerald was initially</p> <p>2 calling for the elimination of the GAB?</p> <p>3 A Well, the article is dated December 2011.</p> <p>4 Q I'm sorry, December?</p> <p>5 A 2011.</p> <p>6 Q And is it in fact your understanding that he was</p> <p>7 calling for the elimination of the GAB at that time?</p> <p>8 A Yes.</p> <p>9 Q All right. I'm going to shift gears here. All</p> <p>10 right. This will be Exhibit 105.</p> <p>11 (Exhibit 105 is marked for identification)</p> <p>12 Q Do you recognize this document?</p> <p>13 A I do.</p> <p>14 Q What is this?</p> <p>15 A This was a survey that the Government Accountability</p> <p>16 Board staff sent out to district attorneys around the</p> <p>17 state following the November 2008 election. Or at</p> <p>18 least a compilation of the results of the survey.</p> <p>19 Q All right. And this survey indicates that --</p> <p>20 actually do you know -- before I ask the next</p> <p>21 question, do you know when this document was</p> <p>22 prepared?</p> <p>23 A No.</p> <p>24 Q Do you know approximately how long after the election</p> <p>25 it was prepared?</p> <p style="text-align: right;">74</p>	<p>1 Q If there were any cases of voter impersonation fraud,</p> <p>2 would that be listed differently?</p> <p>3 MR. MURPHY: Object to form.</p> <p>4 A It would be a different citation.</p> <p>5 Q Okay. So is it fair to infer then that there were</p> <p>6 zero court actions filed involving alleged voter</p> <p>7 impersonation fraud in the November 2008 election?</p> <p>8 A Based on the survey, yes.</p> <p>9 Q And in 2008, the then Attorney General Van Hollen</p> <p>10 sent investigators to polling locations throughout</p> <p>11 the state, correct?</p> <p>12 MR. MURPHY: Object to form.</p> <p>13 A He sent a number of Department of Justice officials,</p> <p>14 many of them were attorneys, to act as observers at</p> <p>15 the polling place. Some of them may have been</p> <p>16 investigators.</p> <p>17 Q And then Section 5 indicates that at least as of the</p> <p>18 time that this was prepared, there was a total of one</p> <p>19 felony conviction for election related fraud</p> <p>20 resulting from the 2008 election, is that right?</p> <p>21 A That's right.</p> <p>22 Q There's a reference to pending cases as well. Do you</p> <p>23 see that?</p> <p>24 A Yes.</p> <p>25 Q Do you know what happened with those?</p> <p style="text-align: right;">76</p>

<p>1 A I don't.</p> <p>2 Q And do you know what the one conviction was for?</p> <p>3 A I don't.</p> <p>4 Q Let me show you a related document. This will be</p> <p>5 106.</p> <p>6 (Exhibit 106 is marked for identification)</p> <p>7 A Okay.</p> <p>8 Q Do you recognize this document?</p> <p>9 A I do.</p> <p>10 Q And what is it?</p> <p>11 A It's a report prepared by staff counsel Mike Haas for</p> <p>12 a board meeting on a survey that we conducted that we</p> <p>13 just discussed the results of.</p> <p>14 Q Okay. And the second and third pages of this</p> <p>15 document contain samples of the letters that were</p> <p>16 sent to district attorneys to obtain responses to</p> <p>17 that survey and a sample survey, correct?</p> <p>18 A That's right.</p> <p>19 Q This information was provided to the Government</p> <p>20 Accountability Board, is that right?</p> <p>21 A That's correct.</p> <p>22 Q Were the results of the survey provided to the board?</p> <p>23 A Yes, they were.</p> <p>24 Q And was that in a public session?</p> <p>25 A It was.</p> <p style="text-align: right;">77</p>	<p>1 this, do you see that?</p> <p>2 A Yes.</p> <p>3 Q And he is correct, isn't that right?</p> <p>4 A He is.</p> <p>5 Q Let me turn to another exhibit.</p> <p>6 A Let me back up. I'm familiar with this case. And so</p> <p>7 let me change my answer on that because my</p> <p>8 understanding of this case is that this individual</p> <p>9 did vote in the name of other people.</p> <p>10 Q Okay.</p> <p>11 A And he did vote in person in someone else's name and</p> <p>12 he voted by absentee in some person's name.</p> <p>13 Q And if he had voted absentee in someone else's name</p> <p>14 with their identification, he could have done so even</p> <p>15 with the voter ID law in place, correct?</p> <p>16 A He could have.</p> <p>17 Q And this individual was caught, is that right?</p> <p>18 A He was.</p> <p>19 Q And was the voter ID law in effect in the election in</p> <p>20 which he cast these ballots?</p> <p>21 A He cast his ballot over several elections. These</p> <p>22 charges covered several different elections.</p> <p>23 Q And was the voter ID law in effect during those</p> <p>24 elections?</p> <p>25 A I don't believe so.</p> <p style="text-align: right;">79</p>
<p>1 Q So that information was publicly available?</p> <p>2 A Yes.</p> <p>3 Q Do you know if the results were presented directly to</p> <p>4 the Legislature in any way?</p> <p>5 A I don't believe they were.</p> <p>6 Q And does the date of this memorandum indicate to you</p> <p>7 approximately when the survey data was collected?</p> <p>8 A Yes.</p> <p>9 Q And when is that?</p> <p>10 A Early March of 2009.</p> <p>11 Q Do you know whether there were any cases of voter</p> <p>12 fraud that were filed in court based on the 2008</p> <p>13 election following this survey?</p> <p>14 A I don't.</p> <p>15 Q This will be 107.</p> <p>16 (Exhibit 107 is marked for identification)</p> <p>17 A Okay.</p> <p>18 Q This is an email exchange among GAB staff following</p> <p>19 the State Supreme Court's ruling on the</p> <p>20 constitutionality under state law of the voter ID</p> <p>21 law, right?</p> <p>22 A Yes.</p> <p>23 Q And focusing on Mr. Falk's email at the top of</p> <p>24 Page 1, he refers to a particular case of voter fraud</p> <p>25 and states that the photo ID would not have stopped</p> <p style="text-align: right;">78</p>	<p>1 Q And he was caught despite that, right?</p> <p>2 A That's right.</p> <p>3 Q And he was prosecuted?</p> <p>4 A Yes.</p> <p>5 Q That incident occurred after the voter ID law had</p> <p>6 been passed, is that right?</p> <p>7 MR. MURPHY: Object to form.</p> <p>8 A Some of the incidents I know did, yes.</p> <p>9 Q It came to public light after the --</p> <p>10 A Yes.</p> <p>11 Q Let me show you a document that was previously marked</p> <p>12 as Lowe 56.</p> <p>13 A Okay.</p> <p>14 Q Now, in the top, the first email at the top of Page 1</p> <p>15 is from Adam Harvell, is that right?</p> <p>16 A That's right.</p> <p>17 Q Who is he?</p> <p>18 A He's an employee of the Government Accountability</p> <p>19 Board.</p> <p>20 Q And what's his position?</p> <p>21 A Currently he works in the ethics division as a lead</p> <p>22 ethics staff person. He used to be a trainer in the</p> <p>23 elections division.</p> <p>24 Q Okay. And at the time he sent this email, was he a</p> <p>25 trainer in the elections division?</p> <p style="text-align: right;">80</p>

<p>1 A I'm thinking he was in transition between the two, 2 which is why he was cleaning out his files. 3 Q And at the end of his email, he indicates that it 4 will be nearly impossible for homeless people to get 5 a state ID. Do you see that? 6 MR. MURPHY: Object to form. 7 A He does. That's what the email says. 8 Q And that is accurate, right? 9 MR. MURPHY: Object to form. 10 A It's accurate that what the email says. 11 Q Is his assessment accurate? 12 A I'm not sure I'm in a position to answer that. 13 Q All right. This is 108. 14 (Exhibit 108 is marked for identification) 15 Q And this relates to -- well, I guess first, this is 16 either an email exchange or a calendar invite among 17 GAB staff, is that right? 18 A I think it's just an email exchange. 19 Q And this relates to a meeting in which staff 20 discussed the impact of the voter ID law on Wisconsin 21 voters with disabilities? 22 A And we had that discussion with our accessibility 23 advisory group. 24 Q Okay. And is that a part of the GAB staff? 25 A No. The accessibility advisory group is a number of</p> <p style="text-align: right;">81</p>	<p>1 Q And subsection d states that there's no specific 2 training for clerks or poll workers with a focus on 3 physical disabilities and making a determination that 4 someone cannot sign the poll book, no guidance is 5 offered by GAB. Do you see that? 6 A Yes. 7 Q Was that correct at this time, do you know? 8 A I think that accurately describes our training in the 9 area of persons with disabilities, yes. 10 Q Has there been any change made to the training since 11 then? 12 A I don't recall. 13 Q The following subsection e says, "GAB will recommend 14 that clerks be hesitant to exercise this discretion." 15 Do you know what discretion is being referred 16 to? 17 A There is a -- there was a provision in the voter ID 18 law that exempted people from signing the poll book 19 if the poll workers could determine the person was 20 unable to physically sign. 21 Q And why was the GAB recommending that clerks be 22 hesitant to exercise the discretion? 23 A I'm not sure if this reflects that we were willing to 24 do this as much as it reflects the notes that were 25 taken at the meeting about the concerns that were</p> <p style="text-align: right;">83</p>
<p>1 individuals that come from organizations or are 2 individuals -- either organizations that represent 3 people with disabilities or are people with 4 disabilities. 5 Q Okay. And let me show you a related document. This 6 is 109. 7 (Exhibit 109 is marked for identification) 8 A Okay. 9 Q Does this appear to you to be the attachment to 10 Exhibit 108? 11 A Yes. 12 Q I'm going to ask you some specific questions about 13 109 in a minute, but just generally based on this 14 accessibility meeting and any additional 15 accessibility meetings you had, did GAB staff develop 16 an understanding of any particular difficulties that 17 disabled voters may face with the voter ID law? 18 A I think they identified a number of issues that 19 needed to be addressed, yes. 20 Q What issues do you recall? 21 A I don't. 22 Q Then let's look at 109. There's a Section No. 1 on 23 the first page with the heading Signature Requirement 24 on Poll Book? 25 A Yes.</p> <p style="text-align: right;">82</p>	<p>1 identified. 2 Q Does the GAB or has the GAB provided guidance about 3 that issue? 4 A I don't know. 5 Q Subsection h at the bottom of the page states that, 6 "An exemption must be sought at every election." Do 7 you see that? 8 A Yes. 9 Q Is that correct? 10 A I'm not sure. I'd have to look at this to see what 11 they're talking about an exemption for. 12 Q Let me ask a slightly different question. Is it 13 correct that a voter to be excused from signing the 14 poll book must seek an exemption based on disability 15 at every election? 16 A That's my understanding, yes. 17 Q And then turning the page in subsection i, it says, 18 "GAB will advocate for the exemption to be determined 19 once and with no need for another decision to be made 20 in the future." Do you see that? 21 A Yes. 22 Q Do you know whether GAB has advocated for that 23 change? 24 A I don't. 25 Q Do you know whether that change has been made?</p> <p style="text-align: right;">84</p>

<p>1 A I don't.</p> <p>2 Q So to your knowledge, does it remain true that voters</p> <p>3 must be exempted every time they vote to be exempted</p> <p>4 from the requirement that they sign the poll book?</p> <p>5 A That's my understanding at the moment, yes.</p> <p>6 Q You can put those aside. This is 110.</p> <p>7 (Exhibit 110 is marked for identification)</p> <p>8 A Okay.</p> <p>9 Q Do you know who Laurie Hughes is?</p> <p>10 A Only by the indication at the bottom of the email.</p> <p>11 Q And this is an email that she sent to Mr. Buerger at</p> <p>12 the GAB, is that right?</p> <p>13 A That's right.</p> <p>14 Q And in it she is relaying that residents in the Fox</p> <p>15 Valley had informed staff that in Appleton, voters</p> <p>16 had to wait an hour and a half to be issued a free</p> <p>17 voter ID, is that right?</p> <p>18 A I'm not sure that's entirely accurate. She's</p> <p>19 indicating that a few residents were told by staff at</p> <p>20 DMV that they would have to wait an hour and a half.</p> <p>21 Q Okay. And that was to obtain a free voter ID?</p> <p>22 A Yes.</p> <p>23 Q Has the GAB received other complaints about waiting</p> <p>24 times at the DMV?</p> <p>25 A Well, we received complaints about processes with the</p> <p style="text-align: right;">85</p>	<p>1 is correct that the voter either has to pay for a</p> <p>2 replacement or obtain a different form of photo ID in</p> <p>3 order to vote in that election?</p> <p>4 MR. MURPHY: Object to form.</p> <p>5 A Well, she states that she either has to pay for a</p> <p>6 replacement driver's license or use some other form.</p> <p>7 I don't think she necessarily agrees with the</p> <p>8 individual's assessment.</p> <p>9 Q Is Ms. Coakley's statement correct?</p> <p>10 A It's correct that states law does not allow you to</p> <p>11 have both DMV products, a driver's license and a</p> <p>12 state-issued ID card. It's also correct that if you</p> <p>13 lose your driver's license, if you want it back -- if</p> <p>14 you want it fixed, you have to pay to get it</p> <p>15 replaced, and if you don't have that, then there are</p> <p>16 other forms of ID that can be used, and she</p> <p>17 referenced them.</p> <p>18 Q Let me ask you a question about Act 23, and I have a</p> <p>19 copy of it if that's helpful, but let me just ask if</p> <p>20 you remember. To the best of your recollection, did</p> <p>21 Act 23 contain a provision regarding a public</p> <p>22 informational campaign being conducted?</p> <p>23 MR. MURPHY: Object to form.</p> <p>24 A Yes.</p> <p>25 Q And specifically it indicated that in conjunction</p> <p style="text-align: right;">87</p>
<p>1 DMV and we have a process where we are in touch with</p> <p>2 someone at DMV and pass those complaints along for</p> <p>3 them to rely on them. Some of them deal with wait</p> <p>4 times. There are a lot of times it's just</p> <p>5 misunderstandings, but we let DMV sort those out.</p> <p>6 Q What are the other issues that arise?</p> <p>7 A I don't recall.</p> <p>8 Q This will be 111.</p> <p>9 (Exhibit 111 is marked for identification)</p> <p>10 A Okay.</p> <p>11 Q Now, this -- these emails begin with an email from a</p> <p>12 person named Mara Pike to the GAB help desk, is that</p> <p>13 right?</p> <p>14 A Yes.</p> <p>15 Q And Ms. Pike is relaying that she lost her driver's</p> <p>16 license and can't get a voter ID from the DMV unless</p> <p>17 she surrenders her driving privilege?</p> <p>18 MR. MURPHY: Object to form.</p> <p>19 A And it goes on to say that pays a fee in order to</p> <p>20 vote, which I would assume means to get her</p> <p>21 replacement driver's license.</p> <p>22 Q Okay. And Allison Coakley sent a response to this</p> <p>23 email, is that right?</p> <p>24 A She did.</p> <p>25 Q And so she indicates that the voter's understanding</p> <p style="text-align: right;">86</p>	<p>1 with the first regularly scheduled primary and</p> <p>2 election at which the voter identification</p> <p>3 requirements initially applied, the GAB was supposed</p> <p>4 to conduct a public informational campaign for the</p> <p>5 purpose of informing prospective voters of the voter</p> <p>6 identification requirements contained in Act 23, is</p> <p>7 that right?</p> <p>8 MR. MURPHY: Object to form.</p> <p>9 A That's my recollection of the requirement, yes.</p> <p>10 Q And as an administrative matter, how did the GAB</p> <p>11 interpret the requirement that a public information</p> <p>12 campaign be conducted in the first regularly</p> <p>13 scheduled primary and election at which the ID law</p> <p>14 would apply?</p> <p>15 MR. MURPHY: Object to form.</p> <p>16 Q And let me try to clarify the question. Which</p> <p>17 elections did the GAB regard as the first primary and</p> <p>18 regularly scheduled election?</p> <p>19 A Well, the first primary and regularly scheduled</p> <p>20 election would have been February and April of 2012,</p> <p>21 and we prepared a campaign to cover the whole period</p> <p>22 of 2012.</p> <p>23 Q Okay. And through the presidential election?</p> <p>24 A That's right.</p> <p>25 Q And so the voter ID law was originally enjoined</p> <p style="text-align: right;">88</p>

<p>1 between the 2012 primary, spring primary and the 2012</p> <p>2 April spring election, is that right?</p> <p>3 A That's right.</p> <p>4 Q The GAB had never completed its public information</p> <p>5 campaign, is that right?</p> <p>6 A We haven't done any broadcasts since following the --</p> <p>7 since just before the April election.</p> <p>8 Q And before the law was enjoined, did the GAB plan to</p> <p>9 do a public informational campaign between the date</p> <p>10 when it was enjoined and the November 2012 election?</p> <p>11 A We did.</p> <p>12 Q Since the law, the voter ID law has been put into</p> <p>13 effect, has the GAB been able to conduct a similar</p> <p>14 campaign to the one that it had anticipated doing?</p> <p>15 A We updated all of the broadcast materials to reflect</p> <p>16 the changes in the law as a result of the state</p> <p>17 Supreme Court ruling. We will update them again to</p> <p>18 reflect the restructuring of the agency that's</p> <p>19 sponsoring the advertising. We've made them</p> <p>20 available, but we have not contracted out to</p> <p>21 broadcast them, but we have everything available. We</p> <p>22 continue to do public presentations on the voter ID</p> <p>23 law. One's taking place as we speak.</p> <p>24 Q The GAB had originally intended to do advertising,</p> <p>25 correct?</p> <p style="text-align: right;">89</p>	<p>1 private groups to try to get the word out?</p> <p>2 A We do that now. As I indicated, we're doing it at</p> <p>3 the moment. We meet with local groups, put on</p> <p>4 presentations. We have presentation materials to</p> <p>5 share with groups. We issue press advisories. We</p> <p>6 provide our clerks with access and the public with</p> <p>7 access to all of the voter information materials</p> <p>8 related to voter ID.</p> <p>9 Q And the GAB also relies in part on private groups and</p> <p>10 individuals to educate voters about other changes to</p> <p>11 election laws, is that right?</p> <p>12 A Yes.</p> <p>13 Q And one of those groups is a group known as Citizen</p> <p>14 Action Education Fund, is that right?</p> <p>15 A I don't know specifically.</p> <p>16 Q Are you familiar with that group?</p> <p>17 A I am.</p> <p>18 Q And that group does voter education and outreach, is</p> <p>19 that right?</p> <p>20 MR. MURPHY: Object to form.</p> <p>21 Q If you know.</p> <p>22 A That's my understanding.</p> <p>23 Q And those efforts relate to the changes to election</p> <p>24 law that have been made in the last five years, is</p> <p>25 that right?</p> <p style="text-align: right;">91</p>
<p>1 A That was part of our original campaign, yes.</p> <p>2 Q Okay. And there are no plans currently for</p> <p>3 advertising relating to the voter ID law between now</p> <p>4 and the 2016 presidential election, though, is there?</p> <p>5 A Not at this point.</p> <p>6 Q And after the voter ID law was put back into effect,</p> <p>7 you requested that several hundred thousand dollars</p> <p>8 be released to the GAB for a public informational</p> <p>9 campaign, is that right?</p> <p>10 A That's right.</p> <p>11 Q Has that money been released?</p> <p>12 A It was not released. We did do some advertising in</p> <p>13 that period of time when the ID law was back in place</p> <p>14 before the 2014 election.</p> <p>15 Q Do you recall how much money was spent on that?</p> <p>16 A I don't recall.</p> <p>17 Q Do you know if it was under \$100,000?</p> <p>18 A I don't know.</p> <p>19 Q How does the GAB -- well, let me rephrase that.</p> <p>20 The GAB has indicated that it would be</p> <p>21 impossible for it to get word out about the voter ID</p> <p>22 law to every voter in the State of Wisconsin, is that</p> <p>23 right?</p> <p>24 A That's right.</p> <p>25 Q And so is it correct that it intends to work with</p> <p style="text-align: right;">90</p>	<p>1 MR. MURPHY: Object to form.</p> <p>2 A I don't know specifically, but they would be one of</p> <p>3 the groups that would be able to access our</p> <p>4 materials.</p> <p>5 Q Where or how are your materials made publicly</p> <p>6 available?</p> <p>7 A We have a website that is specifically dedicated to</p> <p>8 voter identification. It's called Bring it to the</p> <p>9 Ballot. I think it's bringit.wi.gov.</p> <p>10 Q And how, if at all, are outreach materials made</p> <p>11 available to non-Internet users?</p> <p>12 A Well, as I said, we make presentations to groups,</p> <p>13 groups contact. We have a staff person who's</p> <p>14 dedicated to voter services who does some outreach of</p> <p>15 her own in identifying groups that we've identified</p> <p>16 in the past since the law was passed.</p> <p>17 We regularly point it out to our municipal</p> <p>18 clerks and encourage them for their local groups to</p> <p>19 access the website or to -- for the clerks to</p> <p>20 download our materials and share them.</p> <p>21 Q Okay. So just to summarize, you have one staff</p> <p>22 person dedicated to outreach, is that right?</p> <p>23 A That's right.</p> <p>24 Q And staff also make presentations to groups?</p> <p>25 A They do.</p> <p style="text-align: right;">92</p>

<p>1 Q And then you encourage municipal clerks to reach out?</p> <p>2 A We do.</p> <p>3 Q Any other forms of outreach that are not web based?</p> <p>4 A We do press availabilities and press releases.</p> <p>5 Q I have a question about the implementation of the</p> <p>6 voter ID law. If a voter has changed his or her last</p> <p>7 name say from when a voter gets married, is a voter</p> <p>8 able to use a form of ID with a different last name?</p> <p>9 A The name has to conform, so probably not. A</p> <p>10 hyphenated name, I think you could make the case it's</p> <p>11 conformed.</p> <p>12 Q Is there any direction that's been given to municipal</p> <p>13 clerks on that?</p> <p>14 A I believe just on the general concept of that the</p> <p>15 name needs to conform to the name on the</p> <p>16 identification.</p> <p>17 Q But it's possible that in some places a hyphenated</p> <p>18 name would be accepted but in other places not?</p> <p>19 A I don't know.</p> <p>20 Q What if the middle initials are different, but the</p> <p>21 name is otherwise the same?</p> <p>22 A The advice we would give would be generally that --</p> <p>23 actually I don't know.</p> <p>24 Q And is the GAB monitoring current legislation</p> <p>25 relating to the voter ID law?</p> <p style="text-align: right;">93</p>	<p>1 a bit more complex than that.</p> <p>2 Q Okay. What's your understanding?</p> <p>3 A My understanding is that prohibiting municipalities</p> <p>4 from issuing identification, I mean there's a number</p> <p>5 of different factors in it, but it limits which</p> <p>6 municipalities can issue ID cards and then it also</p> <p>7 limits what those ID cards could be used for.</p> <p>8 Q And one of the limitations is that they could not be</p> <p>9 used for voting, right?</p> <p>10 MR. MURPHY: Object to form.</p> <p>11 A That's my understanding.</p> <p>12 Q Does the GAB have a position on that legislation?</p> <p>13 A The board has not taken a position on that.</p> <p>14 Q Do you anticipate that it will?</p> <p>15 A I do not anticipate that it will.</p> <p>16 Q I apologize if I asked you this when you were deposed</p> <p>17 in your individual capacity, but the GAB has a</p> <p>18 variety of information on its website, right?</p> <p>19 A That's right.</p> <p>20 Q And subject to any oversights about updating old</p> <p>21 forms, is it your understanding that the information</p> <p>22 on the GAB website is generally true and accurate?</p> <p>23 A That's our goal is to endeavor to make sure it's true</p> <p>24 and accurate.</p> <p>25 Q Okay. I just have a few other quick topics. Has the</p> <p style="text-align: right;">95</p>
<p>1 A Yes.</p> <p>2 Q One bill currently pending would prevent FoodShare</p> <p>3 recipients from using photo IDs to vote, is that</p> <p>4 right?</p> <p>5 A I'm not sure if that's exactly -- there's a couple of</p> <p>6 pieces of legislation. I'm not sure which one you're</p> <p>7 referring to.</p> <p>8 Q Let me go back a step. So individuals who receive</p> <p>9 public assistance, food assistance in Wisconsin do so</p> <p>10 through a program called FoodShare, is that right?</p> <p>11 MR. MURPHY: Object to form.</p> <p>12 A That's my understanding.</p> <p>13 Q And Wisconsin -- the Legislature is currently</p> <p>14 considering a bill to create photo identifications</p> <p>15 for FoodShare recipients, is that right?</p> <p>16 MR. MURPHY: Object to form.</p> <p>17 A Maybe. I don't recall specifically.</p> <p>18 Q Okay. And do you know whether any such legislation</p> <p>19 specifically exempts that proposed form of ID for use</p> <p>20 for voting?</p> <p>21 A I don't recall the legislation, so I don't know.</p> <p>22 Q There is another bill pending that would prevent</p> <p>23 municipalities from issuing forms of identification</p> <p>24 that could be used for voting, is that right?</p> <p>25 A That's not my understanding of the legislation. It's</p> <p style="text-align: right;">94</p>	<p>1 GAB ever made an assessment of the racial diversity</p> <p>2 of clerks in Wisconsin?</p> <p>3 A I don't know if we have or not. And I say that</p> <p>4 because I know that we contracted to have a survey</p> <p>5 done, but I don't know if that was a factor on that.</p> <p>6 You know, there was -- it's not -- if we did, it's</p> <p>7 not something that I've highlighted.</p> <p>8 Q Do you have any understanding, you, the GAB, as to</p> <p>9 how the demographics of the clerks in Wisconsin</p> <p>10 differ, if at all, from the state's population as a</p> <p>11 whole?</p> <p>12 A No.</p> <p>13 Q I have the same question for you with respect to</p> <p>14 elections inspectors.</p> <p>15 A The only thing we track with election inspectors is</p> <p>16 age.</p> <p>17 Q And is it accurate that election inspectors are</p> <p>18 significantly older than the state's population as a</p> <p>19 whole?</p> <p>20 A Yes.</p> <p>21 Q And do you know what percentage of the clerks in the</p> <p>22 state speak Spanish?</p> <p>23 MR. MURPHY: Object to form.</p> <p>24 A I don't.</p> <p>25 Q And what about election inspectors?</p> <p style="text-align: right;">96</p>

1 A I don't.	1 We are back on the record.
2 Q Do you know whether any municipalities in Wisconsin	2 Q Director Kennedy, just one last topic I want to go
3 make a specific effort to recruit election inspectors	3 over before we leave today. There's an exhibit in
4 who speak languages other than English?	4 front of you that's been marked as Exhibit 112. Do
5 A Well, Milwaukee is required by federal law to do it.	5 you see that?
6 Otherwise I don't know specifically. My	6 A Yes.
7 understanding is from conversations that that is a	7 Q And is this a printout of a spreadsheet that contains
8 factor. It's something we encourage.	8 data about both weekday and weekend in-person
9 Q A factor where?	9 absentee voting?
10 A To -- we encourage municipal clerks that have a large	10 A It is.
11 speaking population to recruit. I don't know how	11 Q And a copy of this spreadsheet was provided to the
12 effectively they do that or what they do, but it's	12 Legislature, is that right?
13 something we try to make sure people are sensitive	13 A I'm not sure.
14 to.	14 Q Do you recall that you provided some data regarding
15 Q Did GAB staff review the Presidential Commission on	15 early voting to the Legislature prior to the bill
16 Election Administration's report?	16 that eliminated weekend and evening early voting?
17 A Yes.	17 A I do recall. I'm not sure if this is the document
18 Q Did the GAB take any position with respect to any of	18 that was provided to the Legislature because I've
19 the content of the report?	19 been unable to find a transmittal with this document.
20 A No.	20 Q Okay.
21 Q Is it your understanding that one conclusion of that	21 A So I'm not certain that this was, but we did provide
22 report is that no voter should have to wait in line	22 other data based on our -- what we call our GAB 190
23 for more than 30 minutes to cast a ballot?	23 forms, which are the post-election surveys which do
24 A Yes.	24 have data and which was what was referenced in my
25 Q Does the GAB share that view?	25 earlier testimony to the Senate that was in my prior
97	99
1 A The GAB hasn't taken a position on that.	1 testimony.
2 Q Are you aware that the GAO in 2014 issued a report	2 Q Okay. And what type of data is contained in those
3 regarding voter identification laws?	3 forms?
4 A Yes.	4 A In these forms or the prior forms?
5 Q And did GAB staff review that report?	5 Q The GAB 190s.
6 A Yes.	6 A The GAB 190 forms, which are all on our website, are
7 Q And is it your understanding that the report found	7 a series of post-election questions that track how
8 that voter identification laws decreased voter	8 many people voted, how many people voted absentee.
9 turnout?	9 Beginning in 2010, we tracked whether they voted
10 A I don't remember.	10 in-person absentee or by mail absentee.
11 Q Is it your understanding that the report found that	11 We didn't break it down other than in those
12 voter ID laws decreased turnout for African-American	12 formats, but we also have total absentee voters,
13 voters in particular?	13 military voters, a lot of characteristics -- that's
14 A I don't remember.	14 where we get the information about the age of poll
15 Q Were any results from that report relayed to	15 workers that I referenced earlier. So it's about
16 officials outside of the GAB?	16 a -- it's a fairly large amount of data that we
17 MR. MURPHY: Object to form.	17 collect as part of a survey that we have to report to
18 A I don't know.	18 the Federal Election -- or the U.S. Election
19 MR. KAUL: Could we go off the record?	19 Assistance Commission.
20 THE VIDEOGRAPHER: Off the record at	20 Q Okay.
21 12:41.	21 A And that information was transmitted to the
22 (Discussion off the record)	22 Legislature with that data.
23 (Short recess is taken)	23 Q The GAB 190 data?
24 (Exhibit 112 is marked for identification)	24 A Yes.
25 THE VIDEOGRAPHER: The time is 1:27.	25 Q And do you know if you have a copy of that still?
98	100

<p>1 A I believe we supplied that to you.</p> <p>2 Q Okay. And does that contain an aggregation of these</p> <p>3 columns here? So, for example, would it have a total</p> <p>4 of the number of weekday in-person absentee voters</p> <p>5 for the June 2012 recall election?</p> <p>6 A That data is not broken down by weekday and weekend.</p> <p>7 It's broken down by in-person absentee and other</p> <p>8 absentee.</p> <p>9 Q Okay. Is it broken down by ward or municipality or</p> <p>10 in some other fashion?</p> <p>11 A It's broken down by ward.</p> <p>12 Q Okay. And then just briefly, this contains data from</p> <p>13 three elections, is that right?</p> <p>14 A That's right.</p> <p>15 Q And the left-hand column indicates which election the</p> <p>16 data is from?</p> <p>17 A Yes.</p> <p>18 Q And moving right, the next column shows the county</p> <p>19 for which the data in a particular row is reported,</p> <p>20 is that right?</p> <p>21 A That's right.</p> <p>22 Q And the next column over is the municipality?</p> <p>23 A That's right.</p> <p>24 Q And then the next column over is the ward?</p> <p>25 A That's right.</p> <p style="text-align: right;">101</p>	<p>1 electors but for the Federal Elections Commission as</p> <p>2 well as state statutory data.</p> <p>3 It focuses first on how many votes were cast at</p> <p>4 an election. It focuses on voter registration</p> <p>5 overall statistics, how many people were registered</p> <p>6 at the close of registration, how many people were</p> <p>7 registered late and how many people register on</p> <p>8 Election Day. It focuses on absentee ballots. Since</p> <p>9 2010 it's a bit more detailed than it was prior to</p> <p>10 that time because it breaks out in-person absentee</p> <p>11 voting from other absentee voting, but that's the</p> <p>12 breakout that it has.</p> <p>13 It also collects -- as I said, there's a lot of</p> <p>14 detailed data on military and overseas voting, which</p> <p>15 includes how many of those ballots were rejected and</p> <p>16 the different types of reasons they were rejected</p> <p>17 because it was federal requirements. It contains</p> <p>18 general information about the type of voting</p> <p>19 equipment that is used in a municipality, and it</p> <p>20 contains information about poll workers.</p> <p>21 It's a pretty comprehensive set of data. And we</p> <p>22 track it down to the ward level. Most states track</p> <p>23 it at the county level on up.</p> <p>24 Q And is that data publicly available?</p> <p>25 A Yes, it is.</p> <p style="text-align: right;">103</p>
<p>1 Q All right. And then the weekday in-person column, is</p> <p>2 that the total turnout in that ward for weekday</p> <p>3 in-person absentee voting in the election listed on</p> <p>4 the far left?</p> <p>5 A That is the number that we were able to assign to</p> <p>6 weekday in-person absentee voting based on the</p> <p>7 information that's in our database.</p> <p>8 Q Okay. And likewise for weekend in-person absentee</p> <p>9 voting for that column, is that the total number of</p> <p>10 voters who cast in-person absentee ballots on the</p> <p>11 weekend in the listed ward and the listed election?</p> <p>12 A Yes.</p> <p>13 Q And is it your understanding that this data was</p> <p>14 transmitted to me earlier today?</p> <p>15 A That's right.</p> <p>16 Q All right. And then just briefly circling back to</p> <p>17 the GAB 190 forms you were describing before, can you</p> <p>18 provide an overview of what information would be</p> <p>19 included in those? I know you've mentioned some</p> <p>20 specific aspects, but --</p> <p>21 A The GAB 190 form is a survey, a post-election survey</p> <p>22 that we've been doing for years that keeps getting</p> <p>23 bigger and bigger, as the clerks will tell you, and</p> <p>24 it includes federally mandated requirements that we</p> <p>25 have to report on both for military and overseas</p> <p style="text-align: right;">102</p>	<p>1 Q And where is it publicly available?</p> <p>2 A It's on our website under the statistics tab.</p> <p>3 MR. KAUL: Okay. I don't have any</p> <p>4 further questions. Mike, do you have anything?</p> <p>5 MR. MURPHY: No questions.</p> <p>6 MR. KAUL: I think we can conclude the</p> <p>7 deposition then.</p> <p>8 THE VIDEOGRAPHER: We are going off</p> <p>9 the record. This concludes the deposition and</p> <p>10 Media No. 2 of the testimony of the Government</p> <p>11 Accountability Board 30(b)(6) designee,</p> <p>12 testimony given by Mr. Kevin J. Kennedy.</p> <p>13 (1:35 p.m.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">104</p>

<p>1 <u>ERRATA SHEET</u></p> <p>2 Witness Name: GAB 30(b) (6) - KEVIN KENNEDY</p> <p>3 Date Taken: January 28, 2016</p> <p>4 Case Name: One Wisconsin v. Gerald Nichol, et al.</p> <p>5 <u>Page/Line</u> <u>Reads</u> <u>Should Read</u> <u>Reason</u></p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p> <p style="text-align: right;">Kevin J. Kennedy</p>	<p><Dates></p> <p>1/29/17 106:28.</p> <p>10-13-15 4:34.</p> <p>10-21-14 4:8.</p> <p>10-30-12 4:24.</p> <p>10-6-14 4:11.</p> <p>5:14.</p> <p>11-18-15 4:37.</p> <p>11-6-12 3:35.</p> <p>2-1-79 3:23.</p> <p>2-10-14 3:20.</p> <p>2012 april 89:1.</p> <p>3-10-14 4:15.</p> <p>3-26-14 4:31.</p> <p>3-27-14 4:18.</p> <p>3-7-12 4:5.</p> <p>4-14-14 3:16.</p> <p>5-22-14 3:47.</p> <p>5-23-12 3:29.</p> <p>7-14-11 5:11.</p> <p>7-26-11 5:8.</p> <p>7-26-12 3:32.</p> <p>7-31-14 5:5.</p> <p>8-6-12 3:41, 3:44.</p> <p>8-7-12 3:38.</p> <p>8-7-14 4:21.</p> <p>9-19-14 5:17.</p> <p>August 7th 39:9.</p> <p>December 2011</p> <p>74:3.</p> <p>January 28, 2016</p> <p>1:22, 105:3.</p> <p>January 28th, 2016</p> <p>6:7.</p> <p>January, 2016 2:10.</p> <p>106:12.</p> <p>January, 2016.</p> <p>106:23.</p> <p>July 2014 3:26.</p> <p>June 2012 101:5.</p> <p>March 30-31</p> <p>4:46.</p> <p>May 3 24:3.</p> <p>November 2008</p> <p>4:42, 74:17.</p> <p>76:7.</p> <p>November 2012</p> <p>89:10.</p> <p>\$100,000 90:17.</p> <p>\$130 46:12.</p> <p>47:15.</p> <p>'09 4:47.</p> <p>77 25:15.</p> <p>78 25:19.</p> <p>79 25:23.</p> <p>(1:35 104:13.</p> <p>-vs- 1:11.</p> <p>.</p> <p><1>.</p> <p>1 6:3, 61:20, 62:22.</p> <p>78:24, 80:14.</p> <p>82:22.</p> <p>1,500 27:15.</p> <p>68:25.</p> <p>1,851 27:15.</p> <p>1,853 69:3.</p> <p>1,900 69:6.</p> <p>1. 28:18, 60:13.</p> <p>10 40:16, 41:1.</p> <p>41:11.</p> <p>10. 18:22.</p> <p>100 4:26, 46:12.</p> <p>47:15, 58:25, 59:2.</p> <p>60:10.</p> <p>100. 59:1.</p> <p>101 4:29, 62:3.</p> <p>101. 58:24, 62:5.</p> <p>102 4:33, 64:4.</p> <p>102. 64:3.</p> <p>103 4:36, 67:14.</p> <p>103. 67:13.</p> <p>104 4:39, 73:23.</p> <p>104. 73:22.</p> <p>105 4:41, 74:11.</p> <p>105. 74:10.</p> <p>106 4:45, 77:6.</p> <p>106. 77:5.</p> <p>107 5:4, 78:16.</p> <p>107. 78:15.</p> <p>108 5:7, 81:14.</p> <p>82:10.</p> <p>108. 81:13.</p> <p>109 5:10, 82:7.</p> <p>82:13.</p> <p>109. 82:6, 82:22.</p> <p>11 3:15, 9:2.</p> <p>110 5:13, 53:17.</p> <p>54:1, 85:7.</p> <p>110. 85:6.</p> <p>111 5:16, 86:9.</p> <p>111. 86:8.</p> <p>112 5:19, 98:24.</p> <p>112. 99:4.</p> <p>11:13 61:19.</p> <p>11:37 61:23.</p> <p>12:3:18.</p> <p>12:16-11 4:39.</p> <p>12:41. 98:21.</p> <p>13th 64:10.</p> <p>146 54:18.</p> <p>15 55:21.</p> <p>15-CV-324 1:11.</p> <p>6:13.</p> <p>17 2:8, 2:23, 6:15.</p> <p>106:13.</p> <p>190 99:22, 100:6.</p> <p>100:23, 102:17.</p> <p>102:21.</p> <p>190s 100:5.</p> <p>1970s 27:19.</p> <p>1976 25:15.</p> <p>1977 25:19.</p> <p>1978 25:23.</p> <p>1979. 24:4.</p> <p>1:27. 98:25.</p> <p>.</p> <p><2>.</p> <p>2:28 18, 61:25.</p> <p>104:10.</p> <p>2 64:16, 68:10.</p> <p>29 25:23.</p> <p>20 15:3, 17:22.</p> <p>2000 64:20.</p> <p>2006 22:8, 23:7.</p> <p>23:10, 23:13, 27:9.</p> <p>27:11, 27:13.</p> <p>27:19.</p> <p>2006 26:8.</p> <p>2008 76:9, 76:20.</p> <p>78:12.</p> <p>2009 78:10.</p> <p>2010 18:5, 100:9.</p> <p>103:9.</p> <p>2011 9:4, 23:6.</p> <p>73:13, 73:19.</p> <p>74:5.</p> <p>2011-2012 3:12.</p> <p>8:16.</p> <p>2012 14:12, 15:23.</p> <p>16:24, 17:4, 17:24.</p> <p>18:6, 39:9, 40:23.</p> <p>88:20, 88:22.</p> <p>89:1.</p> <p>2013 54:18.</p> <p>2013-2014 11:16.</p> <p>2014 48:25, 49:21.</p> <p>90:14, 98:2.</p> <p>2015 64:10.</p> <p>2016 64:24, 90:4.</p> <p>227 9:4.</p> <p>23 3:22, 24:2, 87:18.</p> <p>87:21, 88:6.</p> <p>26 24:14.</p> <p>27 3:25.</p> <p>28 40:21.</p> <p>28th 2:9, 106:12.</p> <p>106:23.</p> <p>.</p> <p><3>.</p> <p>3 13:10, 44:11.</p> <p>68:11.</p> <p>3-24 4:30.</p> <p>3-6 4:5.</p> <p>3-7 4:14.</p> <p>3-3 22:18.</p> <p>30 97:23.</p> <p>30(b) 1:20, 2:1.</p> <p>6:4, 7:4, 7:11.</p> <p>7:23, 7:26, 61:21.</p> <p>62:1, 104:11.</p> <p>105:2, 106:10.</p> <p>30th 59:11.</p> <p>32 3:28.</p> <p>324 54:17.</p> <p>33 3:31.</p> <p>35 3:34.</p> <p>39 3:37, 3:43.</p> <p>.</p> <p><4>.</p> <p>4 13:13, 13:18.</p> <p>4. 14:11, 59:8.</p> <p>75:2.</p> <p>4:3 25:20.</p> <p>40 3:40.</p> <p>41 3:46.</p> <p>45 4:4, 55:3.</p>
<p>1 STATE OF WISCONSIN)</p> <p>2) ss.</p> <p>3 COUNTY OF DANE)</p> <p>4</p> <p>5 I, LISA A. CREEERON, a Registered Professional</p> <p>6 Reporter and Notary Public in and for the State of</p> <p>7 Wisconsin, do hereby certify that the foregoing is a</p> <p>8 true record of the deposition of the GAB 30(b) (6)</p> <p>9 designee-KEVIN KENNEDY, who was first duly sworn by me;</p> <p>10 having been taken on the 28th day of January, 2016, at the</p> <p>11 Wisconsin Department of Justice, 17 West Main Street, in</p> <p>12 the City of Madison, County of Dane, and State of</p> <p>13 Wisconsin, in my presence, and reduced to writing in</p> <p>14 accordance with my stenographic notes made at said time</p> <p>15 and place.</p> <p>16 I further certify that I am not a relative</p> <p>17 or employee or attorney or counsel for any of the</p> <p>18 parties, or a relative or employee of such attorney</p> <p>19 or counsel, or financially interested in said action.</p> <p>20 In witness whereof, I have hereunto set my hand</p> <p>21 and affixed my seal of office this 28th day of January,</p> <p>22 2016.</p> <p>23</p> <p>24 Notary Public, State of Wisconsin</p> <p>25 My Commission Expires: 1/29/17</p>	<p>48 4:7.</p> <p>49 4:10.</p> <p>.</p> <p><5>.</p> <p>5 13:14, 13:15.</p> <p>76:17.</p> <p>5,000 26:18.</p> <p>5,700 26:13.</p> <p>58 25:15.</p> <p>52 4:13.</p> <p>53 703 2:17, 224.</p> <p>54 4:17.</p> <p>56 4:20.</p> <p>56. 80:12.</p> <p>58 4:23.</p> <p>59 4:26.</p> <p><9>.</p> <p>9-18 5:17.</p> <p>90 3:40, 38:25, 40:2.</p> <p>40:13, 53:13.</p> <p>54:1.</p> <p>91 3:43, 39:2, 39:16.</p> <p>40:13.</p> <p>91. 39:1.</p> <p>92 3:46, 41:23.</p> <p>92. 41:22.</p> <p>93 4:4, 45:12.</p> <p>93. 45:11.</p> <p>94 4:7, 48:4.</p> <p>94. 48:3.</p> <p>95 4:10, 49:18.</p> <p>95. 49:17.</p> <p>96 4:13, 52:3.</p> <p>52:13.</p> <p>96. 52:2.</p> <p>97 4:17, 54:11.</p> <p>97. 54:10.</p> <p>98 4:20, 56:3.</p> <p>98. 56:2.</p> <p>99 4:23, 5:19, 58:11.</p> <p>59:7.</p> <p>99. 58:10.</p> <p>9:18 1:23, 2:10.</p> <p>67.</p> <p>9:29 59:11.</p> <p>.</p> <p><A>.</p> <p>A 1:25, 25:5, 16.</p> <p>106:7.</p> <p>84 23:19.</p> <p>85 3:25, 5:13.</p> <p>27:23.</p> <p>85. 27:22.</p> <p>86 3:28, 5:16.</p> <p>32:9.</p> <p>86. 32:8.</p> <p>87 3:31, 33:17.</p> <p>87. 33:16.</p> <p>88 3:34, 35:3.</p> <p>88. 35:2.</p> <p>89 3:37, 38:25, 39:2.</p> <p>39:3, 39:6.</p> <p>39:12.</p> <p>.</p> <p><9>.</p> <p>9-18 5:17.</p> <p>90 3:40, 38:25, 40:2.</p> <p>40:13, 53:13.</p> <p>54:1.</p> <p>91 3:43, 39:2, 39:16.</p> <p>40:13.</p> <p>91. 39:1.</p> <p>92 3:46, 41:23.</p> <p>92. 41:22.</p> <p>93 4:4, 45:12.</p> <p>93. 45:11.</p> <p>94 4:7, 48:4.</p> <p>94. 48:3.</p> <p>95 4:10, 49:18.</p> <p>95. 49:17.</p> <p>96 4:13, 52:3.</p> <p>52:13.</p> <p>96. 52:2.</p> <p>97 4:17, 54:11.</p> <p>97. 54:10.</p> <p>98 4:20, 56:3.</p> <p>98. 56:2.</p> <p>99 4:23, 5:19, 58:11.</p> <p>59:7.</p> <p>99. 58:10.</p> <p>9:18 1:23, 2:10.</p> <p>67.</p> <p>9:29 59:11.</p> <p>.</p> <p><A>.</p> <p>A 1:25, 25:5, 16.</p> <p>106:7.</p> <p>84 23:19.</p> <p>53:20, 61:20.</p> <p>61:24.</p> <p>able 38:10, 38:15.</p> <p>89:13, 92:3, 93:8.</p> <p>102:5.</p> <p>above 7:16.</p> <p>above-entitled</p> <p>22.</p> <p>acceptable</p> <p>29:15.</p> <p>accepted 10:5.</p> <p>93:18.</p> <p>access 26:1, 91:6.</p> <p>91:7, 92:3.</p> <p>92:19.</p> <p>accessibility 81:22.</p> <p>81:25, 82:14.</p> <p>82:15.</p> <p>accessible</p> <p>34:20.</p> <p>accessibility</p> <p>5:10.</p> <p>accompanied 16:25.</p> <p>42:16.</p> <p>accordance</p> <p>106:16.</p> <p>According 38:9.</p> <p>75:8.</p> <p>Accountability 6:5.</p> <p>7:3, 7:5, 7:10, 8:4.</p> <p>8:18, 11:17, 62:1.</p> <p>65:7, 67:20, 74:15.</p> <p>77:20, 80:18.</p> <p>104:11.</p> <p>accurate 21:19.</p> <p>50:2 54:20, 63:5.</p> <p>70:3, 81:8, 81:10.</p> <p>81:11, 85:18.</p> <p>95:22, 95:24.</p> <p>96:17.</p> <p>accurately 15:13.</p> <p>32:24, 68:4.</p> <p>83:8.</p> <p>across 70:1.</p> <p>Act 9:4, 12:15.</p> <p>42:19, 47:9, 54:18.</p> <p>76:14, 87:18.</p> <p>87:21, 88:6.</p> <p>Action 2:2, 12:2.</p> <p>75:5, 91:14.</p> <p>106:21.</p> <p>actions 76:6.</p> <p>active 18:13, 18:15.</p> <p>22:12, 22:19.</p> <p>22:23, 23:4.</p> <p>activity 26:7.</p> <p>actual 12:15, 18:19.</p> <p>39:24, 75:23.</p> <p>Actually 20:2, 21:24.</p> <p>24:9, 29:10, 32:22.</p> <p>36:7, 65:4, 74:20.</p> <p>93:23.</p> <p>Adam 80:15.</p> <p>added 21:5.</p> <p>adding 28:22.</p> <p>additional 58:3.</p> <p>82:14.</p> <p>address 20:7, 28:14.</p> <p>28:15, 29:5, 35:13.</p> <p>47:10, 51:24, 61:7.</p> <p>72:14.</p> <p>addressed 14:1.</p> <p>65:25, 82:19.</p> <p>addressing</p> <p>34:12.</p> <p>administer 55:7.</p> <p>administering</p> <p>29:25, 66:5.</p> <p>Administration 66:9.</p> <p>66:14, 69:8, 69:9.</p> <p>69:19, 71:21, 72:3.</p> <p>72:15, 72:25.</p> <p>97:16.</p> <p>administrative</p> <p>55:17, 64:23.</p> <p>68:14, 68:17.</p> <p>71:14, 88:10.</p> <p>administrator</p> <p>32:15.</p> <p>administrators 33:4.</p> <p>34:3.</p> <p>advance 67:10.</p> <p>advertising 38:8.</p> <p>89:19, 89:24, 90:3.</p> <p>90:12.</p> <p>advice 11:8, 15:19.</p> <p>33:1, 33:5.</p> <p>93:22.</p> <p>advise 51:19.</p> <p>advised 62:24.</p>

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